



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-सा.-22022023-243784
CG-DL-W-22022023-243784

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY
साप्ताहिक
WEEKLY

सं. 6] नई दिल्ली, फरवरी 5—फरवरी 11, 2023, शनिवार/ माघ 16—माघ 22, 1944
No. 6] NEW DELHI, FEBRUARY 5—FEBRUARY 11, 2023, SATURDAY/ MAGHA 16—MAGHA 22, 1944

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(व्यय विभाग)

नई दिल्ली, 14 दिसम्बर, 2022

का.आ. 112.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, भारतीय लेखापरीक्षा और लेखा विभाग में भारत सरकार के कार्यालय को एतद्वारा अधिसूचित करती है, जिसमें महालेखाकार कार्यालय, महाराष्ट्र (वाणिज्यिक लेखापरीक्षा) बम्बई, का नामकरण महालेखाकार कार्यालय (लेखापरीक्षा)-II, महाराष्ट्र, शाखा कार्यालय मुम्बई के रूप में किया जाता है।

[फा. सं. ए- 12034/02/2021-ई.जी.]

ऐनी जॉर्ज मॅथ्यू, विशेष सचिव

MINISTRY OF FINANCE**(Department of Expenditure)**

New Delhi, the 14th December, 2022

S.O. 112.—In pursuance of sub – rule (4) of rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the office of the Government of India in the Indian Audit and Accounts Department, in which the Office of Accountant General, Maharashtra (Commercial Audit) Bombay shall be renamed as the Office of the Accountant General (Audit)-II, Maharashtra, Branch office Mumbai.

[F. No. A-12034/02/2021- EG]

ANNIE GEORGE MATHEW, Special Secy.

वित्तीय सेवाएं विभाग

नई दिल्ली, 16 जनवरी, 2023

का.आ. 113.— बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और दिनांक 25.2.2015 के एसीसी दिशानिर्देशों के पैराग्राफ 2(vi) के उपबंधों में छूट देते हुए, केन्द्रीय सरकार, एतद्वारा, बैंक आफ बड़ौदा के प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी श्री संजीव चड्ढा (जन्म तिथि: 25.6.1963) के कार्यकाल को उनकी नियुक्ति की तीन वर्ष की मौजूदा अधिसूचित अवधि, जो दिनांक 19.1.2023 को समाप्त हो रही है, को उनकी अधिवर्षिता की तारीख अर्थात् दिनांक 30.6.2023 तक अथवा अगले आदेशों तक, जो भी पहले हो, बढ़ाती है।

[ईफा. सं. 4/4/2021-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

DEPARTMENT OF FINANCIAL SERVICES

New Delhi, 16th January, 2023

S.O. 113.—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, and in relaxation of the provisions of paragraph 2(vi) of the ACC guidelines dated 25.2.2015, the Central Government, hereby extends the term of office of Shri Sanjiv Chadha (date of birth: 25.6.1963) as Managing Director and Chief Executive Officer (MD & CEO), Bank of Baroda for a further period beyond his currently notified period of appointment of three years that expires on 19.1.2023, till the date of his superannuation *i.e.*, 30.6.2023, or until further orders, whichever is earlier.

[eF. No. 4/4/2021-BO.I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 7 फरवरी, 2023

का.आ. 114.— बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, केनरा बैंक के कार्यपालक निदेशक श्री के. सत्यनारायण राजु (जन्म तिथि: 28.12.1965) को पद का कार्यभार ग्रहण करने की तारीख से अधिवर्षिता की आयु प्राप्त करने की तारीख (अर्थात् 31.12.2025) तक अथवा अगले आदेशों तक, जो भी पहले हो, केनरा बैंक में प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी (एमडी एंड सीईओ) के पद पर नियुक्त करती है।

[ईफा. सं. 4/6/2021-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 7th February, 2023

S.O. 114.—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Central Government hereby

appoints Shri K. Satyanarayana Raju (date of birth: 28.12.1965), Executive Director, Canara Bank as Managing Director and Chief Executive Officer (MD & CEO), Canara Bank with effect from the date of assumption of office, and up to the date of his attaining the age of superannuation (*i.e.*, 31.12.2025), or until further orders, whichever is earlier.

[eF. No. 4/6/2021-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 7 फरवरी, 2023

का.आ. 115.— बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, इंडियन बैंक के महाप्रबंधक श्री हरदीप सिंह अहलूवालिया (जन्म तिथि: 24.6.1967) को श्री के. सत्यनारायण राजु के द्वारा केनरा बैंक के कार्यपालक निदेशक का पद त्याग करने की तारीख को या इसके पश्चात् पद का कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, केनरा बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[ईफा. सं. 4/6/2021-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 7th February, 2023

S.O. 115.—In exercise of powers conferred by the proviso to clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Central Government hereby appoints Shri Hardeep Singh Ahluwalia (date of birth: 24.6.1967), General Manager, Indian Bank as Executive Director, Canara Bank for a period of three years with effect from the date of assumption of office, on or after the date of relinquishment of the post of Executive Director, Canara Bank by Shri K. Satyanarayana Raju, or until further orders, whichever is earlier.

[eF. No. 4/6/2021-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

**विदेश मंत्रालय
(सी.पी.वी. प्रभाग)**

नई दिल्ली, 2 फरवरी, 2023

का.आ. 116.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के दूतावास, हेलसिंकी में श्री रवि कांत गुप्ता, सहायक अनुभाग अधिकारी को दिनांक 02 फरवरी, 2023 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी. 4330/01/2023(06)]

एस. आर. एच. फहमी, निदेशक (कांसुलर)

MINISTRY OF EXTERNAL AFFAIRS
(CPV DIVISION)

New Delhi, the 2nd February, 2023

S.O. 116.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Mr. Ravi Kant Gupta, Assistant Section Officer as Assistant Consular Officer in the Embassy of India, Helsinki to perform the Consular services with effect from February 2, 2023.

[F. No. T.4330/01/2023(06)]

S. R. H. FAHMI, Director (Consular)

नई दिल्ली, 3 फरवरी, 2023

का.आ. 117.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के सहायक उच्चायोग, मोम्बासा में श्री महेश, सहायक अनुभाग अधिकारी को दिनांक 03 फरवरी, 2023 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी. 4330/01/2023(07)]

एस. आर. एच. फहमी, निदेशक (कांसुलर)

New Delhi, the 3rd February, 2023

S.O. 117.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Mr. Mahesh, Assistant Section Officer as Assistant Consular Officer in the Assistant High Commission of India, Mombasa to perform the Consular services with effect from February 03, 2023.

[F. No. T. 4330/01/2023(07)]

S. R. H FAHMI, Director (Consular)

श्रम और रोजगार मंत्रालय

नई दिल्ली, 19 दिसम्बर, 2022

का.आ. 118.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, नंबर 1, धनबाद के पंचाट (संदर्भ सं. 201/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.11.2022 को प्राप्त हुआ था।

[सं. एल-20012/265/2001-आई.आर (सी.एम-I)]

मणिकंदन. एन, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 19th December, 2022

S.O. 118.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.201/2001) of the Central Government Industrial Tribunal-cum-Labour Court, No.1, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 18/11/2022.

[No. L-20012/265/2001-IR (CM-I)]

MANIKANDAN N., Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

Reference: No. 201/2001

Employer in relation to the management of P.B.Area of M/S BCCL

AND.

Their workman.

Present: SHRI DINESH KUMAR SINGH, Presiding Officer**Appearances:**

For Employer :- Shri Ranjeet Kumar Jha, Legal Inspector

For Workman :- None.

State : Jharkhand**Industry:-** Coal**Dated:-** 30/09 /2022**AWARD**

By Order No.L-20012/265/2001-IR(CM-I) dated 18.09.2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the demand of the union to correct the date of birth of Sri Moti Lal Rajak as 2.1.1948 in his service records is proper and justified? If so to what relief is the concerned workman entitled?”

2. The reference is received on 01/11/2001 by this Tribunal in which the Vice President, Coal Mines Engineering workers Association, had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed. and Management has appeared but union/workman failed to appear in this case. Thereafter notice of the Union /workman returned unserved. Now the case is pending since 01.11.2001 and workman/Union is not appearing before the Tribunal , so it is felt that workman/union has lost its interest in this matter, Hence “ No Claim “ Award is passed communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 19 दिसम्बर, 2022

का.आ. 119.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, नंबर 1, धनबाद के पंचाट (संदर्भ सं. 42/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.11.2022 को प्राप्त हुआ था।

[सं. एल-20012/267/2004-आई.आर(सी-1)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 19th December, 2022

S.O. 119.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 42/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No.1, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 18/11/2022

[No. L-20012/267/2004 – IR (C-I)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

Reference: No. 42/2005

Employer in relation to the management of Kustore Area of M/s. BCCL.

AND.

Their workman.

Present: SHRI DINESH KUMAR SINGH, Presiding Officer

Appearances:

For the Employers :- None.

For the workman. :- None.

State : Jharkhand.

Industry:- Coal

Dated 30/06 /2022

AWARD

By Order No.L-20012/267/2004-IR(C-I) dated 31.03.2005 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Hurrilidih Colliery of M/s BCCL in dismissing Sri Sukhdeo Hembram, M/Loader from the services w.e.f. 28.4.2004 is justified? If not, to what relief is the concerned workman entitled?”

2. The reference is received on 05/04/2005 by this Tribunal in which the General Secretary, National Coal Workers Congress, Dhanbad had been advised to submit statement of claim along with relevant document within fifteen days but the concerned union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but the concerned union/workman did not appear before the Tribunal but management had appeared on 17/02/2020 and 05/04/2021. Thereafter the management has failed to appear before the Tribunal. Now Case is pending since 05/04/2005 and the

concerned workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence "No Claim" Award is passed. Communicate

D.K. SINGH, Presiding Officer

नई दिल्ली, 27 जनवरी, 2023

का.आ. 120.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक, आरआरएल, (वैज्ञानिक और औद्योगिक अनुसंधान परिषद, होशंगाबाद रोड, भोपाल-(म.प्र.), के प्रबंधन के संबद्ध नियोजकों और श्री अवधेश कुमार सिसोदिया, और अन्य, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. CGIT/LC/A/1/2012) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 13/01/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-44- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 27th January, 2023

S.O. 120.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/A/1/2012) of the Central Government Industrial Tribunal cum Labour-Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director, RRL,(council of Scientific and Industrial Research, Hoshangabad Road, Bhopal-(M.P.) and Shri Awdhesh Kumar Sisodiya, and Others, Worker, which was received along with soft copy of the award by the Central Government on 13/01/2023.

[No. L-42025/07/2023-44- IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM -LABOUR COURT,
JABALPUR
NO. CGIT/LC/A/1/2012**

Present: P. K.SRIVASTAVA, H.J.S..(Retd)

Shri Awdhesh Kumar Sisodiya
S/o shri Kanchan sisodiya,
Chairman-LIG
S.R-541, Katara Hills
Bagh Mubaliya, Bhopal(M.P.)
And Others

....Applicant's

Versus

**Director,
RRL,(council of Scientific and
Industrial Research,
Hoshangabad Road,Bhopal)**

....Respondent

AWARD

(Passed on this 14th day of November-2022)

1. This case is proceeded against the management on the basis of an application of workman filed by him under Section 33(A) of the Industrial Disputes Act, hereinafter referred to by the word "Act" stating that he is the President of the Workmen Union who has raised the dispute with the Management. A reference is pending

before this Tribunal as R/39/2006. The management is pressurising by unilaterally challenging the service condition of the applicant workman and forcing him to file a printed form issued by M/s Sengar Security Labour Services, thus changing the service condition of the applicant workman which is prohibited in the Industrial Disputes Act, 1947. Accordingly, it has been prayed that the management be restricted from changing the service condition of the applicant workman.

2. The case of the Management in its reply is that the applicant workman has been terminated from his services long back in the year 2004. A reference in this respect is pending before this Tribunal as mentioned above. The Management has decided to take the same services by way of outsourcing for which the work agreements have been issued.

3. The workman has filed his affidavit as a witness. He has been cross-examined by the management.

4. The Management has filed affidavit of Shri Y. Ram Krishna, Senior controller of Administration, AMPRI, Bhopal. He has been cross-examined by workman side.

5. I have heard arguments of Shri Ashok Shrivastav for workmen and Shri A.K. Shashi, learned counsel for the Management and have gone through the record. Section 33 of the Industrial Disputes Act, 1947 requires to be mentioned, which is being reproduced as follows:-

33. Conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings.—

(1) During the pendency of any conciliation proceeding before a conciliation officer or a Board or of any proceeding before 2[an arbitrator or] a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall,—

(a) in regard to any matter connected with the dispute, alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding; or

(b) for any misconduct connected with the dispute, discharge or punish, whether by dismissal or otherwise, any workmen concerned in such dispute, save with the express permission in writing of the authority before which the proceeding is pending.

(2) During the pendency of any such proceeding in respect of an industrial dispute, the employer may, in accordance with the standing orders applicable to a workman concerned in such dispute 2[or, where there are no such standing orders, in accordance with the terms of the contract, whether express or implied, between him and the workman],—

(a) alter, in regard to any matter not connected with the dispute, the conditions of service applicable to that workman immediately before the commencement of such proceeding; or

(b) for any misconduct not connected with the dispute, or discharge or punish, whether by dismissal or otherwise, that workman: Provided that no such workman shall be discharged or dismissed, unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer.

(3) Notwithstanding anything contained in sub-section (2), no employer shall, during the pendency of any such proceeding in respect of an industrial dispute, take any action against any protected workman concerned in such dispute—

(a) by altering, to the prejudice of such protected workman, the conditions of service applicable to him immediately before the commencement of such proceedings; or

(b) by discharging or punishing, whether by dismissal or otherwise, such protected workman, save with the express permission in writing of the authority before which the proceeding is pending. registered trade union connected with the establishment, is recognised as such in accordance with rules made in this behalf.

(4) In every establishment, the number of workmen to be recognised as protected workmen for the purposes of sub-section (3) shall be one per cent. of the total number of workmen employed therein subject to a minimum number of five protected workmen and a maximum number of one hundred protected workmen and for the aforesaid purpose, the appropriate Government may make rules providing for the distribution of such protected

workmen among various trade unions, if any, connected with the establishment and the manner in which the workmen may be chosen and recognized as protected workmen.

(5) Where an employer makes an application to a conciliation officer, Board, [an arbitrator, a] labour Court, Tribunal or National Tribunal under the proviso to sub-section (2) for approval of the action taken by him, the authority concerned shall, without delay, hear such application and pass, within a period of three months from the date of receipt of such application], such order in relation thereto as it deems fit:]3[Provided that where any such authority considers it necessary or expedient so to do, it may, for reasons to be recorded in writing, extend such period by such further period as it may think fit: Provided further that no proceedings before any such authority shall lapse merely on the ground that any period specified in this sub-section had expired without such proceedings being completed.

6. This petition was filed in the year 2012. The applicant workman Awdhesh Kumar Sisodiya was terminated in the year 2004 as it comes out from the evidence. Other workman Bhawanideen Shukla who has stated to have been terminated on 1-3-2011 has filed his affidavit but never appeared for cross-examination by management, hence his affidavit cannot be read in his favour. On the other hand, Management has corroborated its stand taken in its reply.

7. Hence on the basis of above discussion, holding the allegation in the petition not proved, the petition is dismissed

8. No order as to costs..

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 जनवरी, 2023

का.आ. 121.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलसचिव, डॉ हरि सिंह गौर विश्वविद्यालय, (केन्द्रीय विश्वविद्यालय) सागर (म.प्र.) के प्रबंधन के संबद्ध नियोजकों और श्री दीपक दुबे, द्वारा महासचिव, विश्वविद्यालय कामगार यूनियन, सागर-(म.प्र.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. CGIT/LC/A/1/2019) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 13/01/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-43- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 27th January, 2023

S.O. 121.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/A/1/2019) of the Central Government Industrial Tribunal cum Labour-Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Registrar, Dr.Hari Singh Gaur vishwavidyalaya, (Central University) Sagar- (M.P.) and Shri Deepak Dubey, through The General Secretary, Vishwavidyalaya Kamgar Union,Sagar - (M.P.), which was received along with soft copy of the award by the Central Government on 13/01/2023.

[No. L-42025/07/2023-43- IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM- LABOUR COURT,
JABALPUR**

No. CGIT/LC/A/1/2019

Present: P.K.SRIVASTAVA, H.J.S..(Retd)

Shri Shiv Prasad Raikwar
General Secretary
Vishwavidyalaya Kamgar Union
Padmakar School Gate
Namak Mandi, Katra Bazaar,
Sagar (M.P.)

Representing: Deepak Dubey

...Applicant

Versus

Mr. Rakesh Mohan Joshi,
Registrar,
Dr. Hari Singh Gaur vishwavidyalaya,
(Central University)
Sagar (M.P.) 470003.

...Respondent

ORDER

(Passed on this 9th day of November-2022)

1. The Workman Union through its Secretary has filed this petition under Section 33(A) of the Industrial Disputes Act, hereinafter referred to by the word "Act", with a case that the applicant Union approached this Tribunal by way of reference dated 13-11-2018 referred for adjudication before this Tribunal as to whether the workman is entitled for classification and regarding the validity of order of is termination dated 25-10-2017. The workman union raised a dispute vide application dated 11-10-2017 being aggrieved by the unfair labour practice adopted by the Management. Notice was sent by Conciliation Officer on the dispute to the Management and was served on Management accordingly. It is further the case of the Workman Union that after service of notice by concerned Assistant Labour Commissioner, the Management issued a termination letter to all of its Head of the Department and directed that employees discharging duties on out sourcing basis be terminated forthwith. The applicant workman who was discharging his duties on daily wage basis was also terminated by the Management. According to the Workman Union, the retrenchment and termination of the services of the workman w.e.f. 25-10-2017 is in violation of Principles of Natural Justice as well as Section 33 A of the Act because it is alteration in service conditions of the applicant workman to prejudice during the pendency of the Industrial Dispute before the appropriate Government. Accordingly, it has been prayed that holding the Registrar of Dr. Hari Singh Gaur Vishwavidyalaya having committed violation of Section 33A of the Act, his prosecution be initiated accordingly.

2. Affidavit has been filed in support.

3. In its reply, the Management has taken a case that certain persons were engaged through out-sourcing by the Management of the University, in accordance with the exigency of work. The applicant workman is also one of them. He was not engaged against any vacant and sanctioned post following any recruitment process, rather his engagement was on contract basis directly by the concerned Department. The Tenure of this workman has been extended from time to time, either for 59 days or 89 days. The University took a decision in August-2017 not to extend the engagement of any such workmen beyond 30-8-2017 and a letter was circulated to every Department by the Registrar. Vide letter of Registrar dated 22-8-2017, the Heads of the Department have been intimated to take work only from employees engaged on contract basis directly by the concerned department only upto 29-8-2017 and not beyond that. Thereafter, an another order was issued on 25-10-2017 directing all the Heads of the Department against recommendation of extension of any employee engaged on contract basis directly by the Department. Thus according to the Management, it took a conscious policy decision to disengage workmen in the month of August-2017 itself. The dispute was raised by the workman only on 11-10-2017, hence there is no violation of Section 33A of the Act. Affidavit has been filed in support.

4. The Workman Union has filed affidavit of the applicant workman as his examination in chief. He has reiterated his case as mentioned above in the petition. The workman Union has further filed as many as nine photocopy documents which are application dated 11-10-2017 filed before the Assistant Labour Commissioner (C) raising the dispute. Notice dated 18-10-2017 sent by Assistant Labour Commissioner to Management in response of the petition before the Assistant Labour Commissioner, the application along with a list filed by the Workman Union before Assistant Labour Commissioner, application by workman Union before Registrar filed on 26-10-2017 informing him that the workman Union has raised a dispute before Assistant Labour Commissioner and a notice to the dispute has been served on the University on 20-10-2017, hence any alteration in service condition of the workman is in violation of Section 33A of the Act. It is also stated that the workmen are not outsourced employees, rather they have been directly appointed by the respective departments, Petition under Section 33 and 33A of the Act filed on 17-11-2017 before Assistant Labour Commissioner, failure of conciliation report dated 18-5-2018, Notesheet for payment till 31-10-2017 to the applicant workman

and 16 other co-workmen.

5. The Workman Union has further filed as many as 21 RTI documents regarding proof of direct payment to the workman from the University and also showing that notice of dispute was served on University only on 20-10-2017.

6. The Management has not filed affidavit of any of its witness.

7. I have heard arguments of Mr. Uttam Maheshwari, learned counsel for the workmen and Shri Rahul Tripathi for the Management.

8. Before entering into any discussion, Section 33A of the Act requires to reproduced and is being reproduced as follows:-

33A. Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings.—Where an employer contravenes the provisions of section 33 during the pendency of proceedings 5[before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal], any employee aggrieved by such contravention, may make a complaint in writing,5[in the prescribed manner,—

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.

9. The facts are almost undisputed in the case in hand. According to the workmen Union, when they raised a dispute before the Assistant Labour Commissioner, they came to know that their services might be terminated against law. The Assistant Labour Commissioner sent notice with respect to dispute which was admittedly served on 20-10-2017. This fact is supported from the RTI documents also filed on record. The services were terminated from 25-10-2017 is also not disputed. The arguments of learned counsel for the Management is that a policy decision regarding not extending the services of outsourced employees was taken on 30-8-2017 and 20-9-2017 itself which was before the date of raising dispute before the Assistant Labour Commissioner. Learned Counsel for workmen Union has submitted that the decision was with respect to outsourced employees in the case in hand. The applicant workmen are employees appointed by the University through its department itself and not kept on outsourced. Hence, that decision had no relation with termination of service of the applicant workman. The RTI documents amply show that the payments were made to the workmen directly by the University and not through outsourced agency. The Management has nowhere disclosed as to through which outsourced agency the applicant workmen were engaged. This non-disclosure bears significance in the light of the fact that case of the workmen Union is that the applicant workmen are daily wage/muster roll employees appointed by the University through its department and there is uncontroverted affidavit in support corroborated by RTI documents. Hence, the aforesaid arguments of the learned counsel for the Management is held without any merit from the evidence on record. It is established that the services of the applicant workman whose cases has been espoused by the Workman Union were terminated during the pendency of Industrial Dispute before Competent Authority which is in violation of Section 33A of the Act.

10. The Petition stands disposed of accordingly.

11. Let a copy of this order be sent to the appropriate Government.

P. K. SRIVASTAVA, Presiding Officer

DATE: 9-11-2022

नई दिल्ली, 27 जनवरी, 2023

का.आ. 122.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलसचिव, डॉ हरि सिंह गौर विश्वविद्यालय, (केन्द्रीय विश्वविद्यालय) सागर (म.प्र.) के प्रबंधन के संबद्ध नियोजकों और श्री सोनू बोहत, द्वारा महासचिव, विश्वविद्यालय कामगार यूनियन, सागर-(म.प्र.), के बीच अनुबंध

में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. CGIT/LC/A/2/2019) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 13/01/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-29- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 27th January, 2023

S.O. 122.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/A/2/2019) of the Central Government Industrial Tribunal cum Labour–Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Registrar, Dr.Hari Singh Gaur vishwavidyalaya, (Central University) Sagar- (M.P.) and Shri Sonu bohat, through The General Secretary, Vishwavidyalaya Kamgar Union,Sagar - (M.P.), which was received along with soft copy of the award by the Central Government on 13/01/2023.

[No. L-42025/07/2023-29- IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM -LABOUR COURT,
JABALPUR**

NO. CGIT/LC/A/2/2019

Present: P. K. SRIVASTAVA, H.J.S..(Retd)

Shri Shiv Prasad Raikwar
General Secretary
Vishwavidyalaya Kamgar Union
Padmakar School Gate
Namak Mandi,Katra Bazaar,
Sagar(M.P.)

Representing:Sonu bohat

...Applicant

Versus

Mr.Rakesh Mohan Joshi,
Registrar,
Dr. Hari Singh Gaur vishwavidyalaya,
(Central University)
Sagar (M.P.) 470003.

....Respondent

ORDER

(Passed on this 9th day of November-2022)

1. The Workman Union through its Secretary has filed this petition under Section 33(A) of the Industrial Disputes Act, hereinafter referred to by the word "Act", with a case that the applicant Union approached this Tribunal by way of reference dated 13-11-2018 referred for adjudication before this Tribunal as to whether the workman is entitled for classification and regarding the validity of order of is termination dated 25-10-2017. The workman union raised a dispute vide application dated 11-10-2017 being aggrieved by the unfair labour practice adopted by the

Management. Notice was sent by Conciliation Officer on the dispute to the Management and was served on Management accordingly. It is further the case of the Workman Union that after service of notice by concerned Assistant Labour Commissioner, the Management issued a termination letter to all of its Head of the Department and directed that employees discharging duties on out sourcing basis be terminated forthwith. The applicant workman who was discharging his duties on daily wage basis was also terminated by the Management. According to the Workman Union, the retrenchment and termination of the services of the workman w.e.f. 25-10-2017 is in violation of Principles of Natural Justice as well as Section 33 A of the Act because it is alteration in service conditions of the applicant workman to prejudice during the pendency of the Industrial Dispute before the appropriate Government. Accordingly, it has been prayed that holding the Registrar of Dr. Hari Singh Gaur Vishwavidyalaya having committed violation of Section 33A of the Act, his prosecution be initiated accordingly.

2. Affidavit has been filed in support.
3. In its reply, the Management has taken a case that certain persons were engaged through out-sourcing by the Management of the University, in accordance with the exigency of work. The applicant workman is also one of them. He was not engaged against any vacant and sanctioned post following any recruitment process, rather his engagement was on contract basis directly by the concerned Department. The Tenure of this workman has been extended from time to time, either for 59 days or 89 days. The University took a decision in August-2017 not to extend the engagement of any such workmen beyond 30-8-2017 and a letter was circulated to every Department by the Registrar. Vide letter of Registrar dated 22-8-2017, the Heads of the Department have been intimated to take work only from employees engaged on contract basis directly by the concerned department only upto 29-8-2017 and not beyond that. Thereafter, an another order was issued on 25-10-2017 directing all the Heads of the Department against recommendation of extension of any employee engaged on contract basis directly by the Department. Thus according to the Management, it took a conscious policy decision to disengage workmen in the month of August-2017 itself. The dispute was raised by the workman only on 11-10-2017, hence there is no violation of Section 33A of the Act. Affidavit has been filed in support.
4. The Workman Union has filed affidavit of the applicant workman as his examination in chief. He has reiterated his case as mentioned above in the petition. The workman Union has further filed as many as nine photocopy documents which are application dated 11-10-2017 filed before the Assistant Labour Commissioner(C) raising the dispute. Notice dated 18-10-2017 sent by Assistant Labour Commissioner to Management in response of the petition before the Assistant Labour Commissioner, the application along with a list filed by the Workman Union before Assistant Labour Commissioner, application by workman Union before Registrar filed on 26-10-2017 informing him that the workman Union has raised a dispute before Assistant Labour Commissioner and a notice to the dispute has been served on the University on 20-10-2017, hence any alteration in service condition of the workman is in violation of Section 33A of the Act. It is also stated that the workmen are not outsourced employees, rather they have been directly appointed by the respective departments, Petition under Section 33 and 33A of the Act filed on 17-11-2017 before Assistant Labour Commissioner, failure of conciliation report dated 18-5-2018, Notesheet for payment till 31-10-2017 to the applicant workman and 16 other co-workmen.
5. The Workman Union has further filed as many as 21 RTI documents regarding proof of direct payment to the workman from the University and also showing that notice of dispute was served on University only on 20-10-2017.
6. The Management has not filed affidavit of any of its witness.
7. I have heard arguments of Mr. Uttam Maheshwari, learned counsel for the workmen and Shri Rahul Tripathi for the Management.
8. Before entering into any discussion, Section 33A of the Act requires to reproduced and is being reproduced as follows:-

33A. Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings.—Where an employer contravenes the provisions of section 33 during the pendency of proceedings 5[before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal], any employee aggrieved by such contravention, may make a complaint in writing,5[in the prescribed manner,—

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.

9. The facts are almost undisputed in the case in hand. According to the workmen Union, when they raised a dispute before the Assistant Labour Commissioner, they came to know that their services might be terminated against law. The Assistant Labour Commissioner sent notice with respect to dispute which was admittedly served on 20-10-2017. This fact is supported from the RTI documents also filed on record. The services were terminated from 25-10-2017 is also not disputed. The arguments of learned counsel for the Management is that a policy decision regarding not extending the services of outsourced employees was taken on 30-8-2017 and 20-9-2017 itself which was before the date of raising dispute before the Assistant Labour Commissioner. Learned Counsel for workmen Union has submitted that the decision was with respect to outsourced employees in the case in hand. The applicant workmen are employees appointed by the University through its department itself and not kept on outsourced. Hence, that decision had no relation with termination of service of the applicant workman. The RTI documents amply show that the payments were made to the workmen directly by the University and not through outsourced agency. The Management has nowhere disclosed as to through which outsourced agency the applicant workmen were engaged. This non-disclosure bares significance in the light of the fact that case of the workmen Union is that the applicant workmen are daily wage/muster roll employees appointed by the University through its department and there is uncontroverted affidavit in support corroborated by RTI documents. Hence, the aforesaid arguments of the learned counsel for the Management is held without any merit from the evidence on record. It is established that the services of the applicant workman whose cases has been espoused by the Workman Union were terminated during the pendency of Industrial Dispute before Competent Authority which is in violation of Section 33A of the Act.

10. The Petition stands disposed of accordingly.

11. Let a copy of this order be sent to the appropriate Government.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 जनवरी, 2023

का.आ. 123.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलसचिव, डॉ हरि सिंह गौर विश्वविद्यालय, (केन्द्रीय विश्वविद्यालय) सागर (म.प्र.) के प्रबंधन के संबद्ध नियोजकों और श्री चंद्रमणि सिंह, द्वारा महासचिव, विश्वविद्यालय कामगार यूनियन, सागर-(म.प्र.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. CGIT/LC/A/5/2019) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 13/01/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-31- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 27th January, 2023

S.O. 123.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/A/5/2019) of the Central Government Industrial Tribunal cum Labour-Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Registrar, Dr. Hari Singh Gaur vishwavidyalaya, (Central University) Sagar-(M.P.) and Shri Chandramani Singh, through The General Secretary, Vishwavidyalaya Kamgar Union, Sagar -(M.P.), which was received along with soft copy of the award by the Central Government on 13/01/2023.

[No. L-42025/07/2023-31- IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM -LABOUR COURT,
JABALPUR

NO. CGIT/LC/A/5/2019

Present: P.K.SRIVASTAVA, H.J.S..(Retd)

Shri Shiv Prasad Raikwar
General Secretary
Vishwavidyalaya Kamgar Union
Padmakar School Gate
Namak Mandi,Katra Bazaar,
Sagar(M.P.)

Representing: Chandramani Singh

...Applicant

Versus

Mr. Rakesh Mohan Joshi,
Registrar,
Dr. Hari Singh Gaur vishwavidyalaya,
(Central University)
Sagar(M.P.)470003.

....Respondent

ORDER

(Passed on this 9th day of November-2022)

1. The Workman Union through its Secretary has filed this petition under Section 33(A) of the Industrial Disputes Act, hereinafter referred to by the word "Act", with a case that the applicant Union approached this Tribunal by way of reference dated 13-11-2018 referred for adjudication before this Tribunal as to whether the workman is entitled for classification and regarding the validity of order of is termination dated 25-10-2017. The workman union raised a dispute vide application dated 11-10-2017 being aggrieved by the unfair labour practice adopted by the Management. Notice was sent by Conciliation Officer on the dispute to the Management and was served on Management accordingly. It is further the case of the Workman Union that after service of notice by concerned Assistant Labour Commissioner, the Management issued a termination letter to all of its Head of the Department and directed that employees discharging duties on out sourcing basis be terminated forthwith. The applicant workman who was discharging his duties on daily wage basis was also terminated by the Management. According to the Workman Union, the retrenchment and termination of the services of the workman w.e.f. 25-10-2017 is in violation of Principles of Natural Justice as well as Section 33 A of the Act because it is alteration in service conditions of the applicant workman to prejudice during the pendency of the Industrial Dispute before the appropriate Government. Accordingly, it has been prayed that holding the Registrar of Dr. Hari Singh Gaur Vishwavidyalaya having committed violation of Section 33A of the Act, his prosecution be initiated accordingly.

2. Affidavit has been filed in support.

3. In its reply, the Management has taken a case that certain persons were engaged through out-sourcing by the Management of the University, in accordance with the exigency of work. The applicant workman is also one of them. He was not engaged against any vacant and sanctioned post following any recruitment process, rather his engagement was on contract basis directly by the concerned Department. The Tenure of this workman has been extended from time to time, either for 59 days or 89 days . The University took a decision in August-2017 not to extend the engagement of any such workmen beyond 30-8-2017 and a letter was circulated to every Department by the Registrar. Vide letter of Registrar dated 22-8-2017, the Heads of the Department have been intimated to take work only from employees engaged on contract basis directly by the concerned department only upto 29-8-2017 and not beyond that . Thereafter, an another order was issued on 25-10-2017 directing all the Heads of the Department against recommendation of extension of any employee engaged on contract basis directly by the Department. Thus according to the Management, it took a conscious policy decision to disengage workmen in the month of August-2017 itself. The dispute was raised by the workman only on 11-10-2017, hence there is no violation of Section 33A of the Act. Affidavit has been filed in support.

4. The Workman Union has filed affidavit of the applicant workman as his examination in chief. He has reiterated his case as mentioned above in the petition. The workman Union has further filed as many as nine photocopy documents which are application dated 11-10-2017 filed before the Assistant Labour Commissioner(C) raising the dispute. Notice dated 18-10-2017 sent by Assistant Labour Commissioner to Management in response of the petition before the Assistant Labour Commissioner, the application along with a list filed by the Workman Union before Assistant Labour Commissioner, application by workman Union before Registrar filed on 26-10-2017 informing him that the workman Union has raised a dispute before Assistant Labour Commissioner and a notice to the dispute has been served on the University on 20-10-2017, hence any alteration in service condition of the workman is in violation of Section 33A of the Act. It is also stated that the workmen are not outsourced employees, rather they have been directly appointed by the respective departments. Petition under Section 33 and 33A of the Act filed on 17-11-2017 before Assistant Labour Commissioner, failure of conciliation report dated 18-5-2018, Notesheet for payment till 31-10-2017 to the applicant workman and 16 other co-workmen.

5. The Workman Union has further filed as many as 21 RTI documents regarding proof of direct payment to the workman from the University and also showing that notice of dispute was served on University only on 20-10-2017.

6. The Management has not filed affidavit of any of its witness.

7. I have heard arguments of Mr. Uttam Maheshwari, learned counsel for the workmen and Shri Rahul Tripathi for the Management.

8. Before entering into any discussion, Section 33A of the Act requires to reproduced and is being reproduced as follows:-

33A. Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings.—Where an employer contravenes the provisions of section 33 during the pendency of proceedings 5[before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal], any employee aggrieved by such contravention, may make a complaint in writing,5[in the prescribed manner,—

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.

9. The facts are almost undisputed in the case in hand. According to the workmen Union, when they raised a dispute before the Assistant Labour Commissioner, they came to know that their services might be terminated against law. The Assistant Labour Commissioner sent notice with respect to dispute which was admittedly served on 20-10-2017. This fact is supported from the RTI documents also filed on record. The services were terminated from 25-10-2017 is also not disputed. The arguments of learned counsel for the Management is that a policy decision regarding not extending the services of outsourced employees was taken on 30-8-2017 and 20-9-2017 itself which was before the date of raising dispute before the Assistant Labour Commissioner. Learned Counsel for workmen Union has submitted that the decision was with respect to outsourced employees in the case in hand. The applicant workmen are employees appointed by the University through its department itself and not kept on outsourced. Hence, that decision had no relation with termination of service of the applicant workman. The RTI documents amply show that the payments were made to the workmen directly by the University and not through outsourced agency. The Management has nowhere disclosed as to through which outsourced agency the applicant workmen were engaged. This non-disclosure bears significance in the light of the fact that case of the workmen Union is that the applicant workmen are daily wage/muster roll employees appointed by the University through its department and there is uncontroverted affidavit in support corroborated by RTI documents. Hence, the aforesaid arguments of the learned counsel for the Management is held without any merit from the evidence on record. It is established that the services of the applicant workman whose cases has been espoused by the Workman Union were terminated during the pendency of Industrial Dispute before Competent Authority which is in violation of Section 33A of the Act.

10. The Petition stands disposed of accordingly.

11. Let a copy of this order be sent to the appropriate Government.

P. K. SRIVASTAVA, Presiding Officer

DATE: 9-11-2022.

नई दिल्ली, 27 जनवरी, 2023

का.आ. 124.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलसचिव, डॉ हरि सिंह गौर विश्वविद्यालय, (केन्द्रीय विश्वविद्यालय) सागर (म.प्र.) के प्रबंधन के संबद्ध नियोजकों और श्री गौरव सिंह राजपूत, द्वारा महासचिव, विश्वविद्यालय कामगार यूनियन, सागर-(म.प्र.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. CGIT/LC/A/6/2019) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 13/01/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-32- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 27th January, 2023

S.O. 124.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/A/6/2019) of the Central Government Industrial Tribunal cum Labour-Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Registrar, Dr. Hari Singh Gaur vishwavidyalaya, (Central University) Sagar-(M.P.) and Shri Gaurav Singh Rajput, through The General Secretary, Vishwavidyalaya Kamgar Union, Sagar -(M.P.), which was received along with soft copy of the award by the Central Government on 13/01/2023.

[No. L-42025/07/2023-32- IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
JABALPUR
NO. CGIT/LC/A/6/2019**

Present: P. K. SRIVASTAVA, H.J.S..(Retd)

Shri Shiv Prasad Raikwar
General Secretary
Vishwavidyalaya Kamgar Union
Padmakar School Gate
Namak Mandi, Katra Bazaar,
Sagar(M.P.)

Representing: Gaurav Singh Rajput**...Applicant****Versus**

Mr. Rakesh Mohan Joshi,
Registrar,
Dr. Hari Singh Gaur vishwavidyalaya,
(Central University)
Sagar(M.P.)470003.

...Respondent**ORDER****(Passed on this 9th day of November-2022)**

1. The Workman Union through its Secretary has filed this petition under Section 33(A) of the Industrial Disputes Act, hereinafter referred to by the word "Act", with a case that the applicant Union approached this Tribunal by way of reference dated 13-11-2018 referred for adjudication before this Tribunal as to whether the

workman is entitled for classification and regarding the validity of order of is termination dated 25-10-2017. The workman union raised a dispute vide application dated 11-10-2017 being aggrieved by the unfair labour practice adopted by the Management. Notice was sent by Conciliation Officer on the dispute to the Management and was served on Management accordingly. It is further the case of the Workman Union that after service of notice by concerned Assistant Labour Commissioner, the Management issued a termination letter to all of its Head of the Department and directed that employees discharging duties on out sourcing basis be terminated forthwith. The applicant workman who was discharging his duties on daily wage basis was also terminated by the Management. According to the Workman Union, the retrenchment and termination of the services of the workman w.e.f. 25-10-2017 is in violation of Principles of Natural Justice as well as Section 33 A of the Act because it is alteration in service conditions of the applicant workman to prejudice during the pendency of the Industrial Dispute before the appropriate Government. Accordingly, it has been prayed that holding the Registrar of Dr. Hari Singh Gaur Vishwavidyalaya having committed violation of Section 33A of the Act, his prosecution be initiated accordingly.

2. Affidavit has been filed in support.

3. In its reply, the Management has taken a case that certain persons were engaged through out-sourcing by the Management of the University, in accordance with the exigency of work. The applicant workman is also one of them. He was not engaged against any vacant and sanctioned post following any recruitment process, rather his engagement was on contract basis directly by the concerned Department. The Tenure of this workman has been extended from time to time, either for 59 days or 89 days . The University took a decision in August-2017 not to extend the engagement of any such workmen beyond 30-8-2017 and a letter was circulated to every Department by the Registrar. Vide letter of Registrar dated 22-8-2017, the Heads of the Department have been intimated to take work only from employees engaged on contract basis directly by the concerned department only upto 29-8-2017 and not beyond that . Thereafter, an another order was issued on 25-10-2017 directing all the Heads of the Department against recommendation of extension of any employee engaged on contract basis directly by the Department. Thus according to the Management, it took a conscious policy decision to disengage workmen in the month of August-2017 itself. The dispute was raised by the workman only on 11-10-2017, hence there is no violation of Section 33A of the Act. Affidavit has been filed in support.

4. The Workman Union has filed affidavit of the applicant workman as his examination in chief. He has reiterated his case as mentioned above in the petition. The workman Union has further filed as many as nine photocopy documents which are application dated 11-10-2017 filed before the Assistant Labour Commissioner(C) raising the dispute. Notice dated 18-10-2017 sent by Assistant Labour Commissioner to Management in response of the petition before the Assistant Labour Commissioner, the application along with a list filed by the Workman Union before Assistant Labour Commissioner, application by workman Union before Registrar filed on 26-10-2017 informing him that the workman Union has raised a dispute before Assistant Labour Commissioner and a notice to the dispute has been served on the University on 20-10-2017, hence any alteration in service condition of the workman is in violation of Section 33A of the Act. It is also stated that the workmen are not outsourced employees , rather they have been directly appointed by the respective departments, Petition under Section 33 and 33A of the Act filed on 17-11-2017 before Assistant Labour Commissioner , failure of conciliation report dated 18-5-2018, Notesheet for payment till 31-10-2017 to the applicant workman and 16 other co-workmen.

5. The Workman Union has further filed as many as 21 RTI documents regarding proof of direct payment to the workman from the University and also showing that notice of dispute was served on University only on 20-10-2017.

6. The Management has not filed affidavit of any of its witness.

7. I have heard arguments of Mr. Uttam Maheshwari, learned counsel for the workmen and Shri Rahul Tripathi for the Management.

8. Before entering into any discussion, Section 33A of the Act requires to reproduced and is being reproduced as follows:-

33A. Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings.—Where an employer contravenes the provisions of section 33 during the pendency of proceedings 5[before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal], any employee aggrieved by such contravention, may make a complaint in writing,5[in the prescribed manner,—

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.

9. The facts are almost undisputed in the case in hand. According to the workmen Union, when they raised a dispute before the Assistant Labour Commissioner, they came to know that their services might be terminated against law. The Assistant Labour Commissioner sent notice with respect to dispute which was admittedly served on 20-10-2017. This fact is supported from the RTI documents also filed on record. The services were terminated from 25-10-2017 is also not disputed. The arguments of learned counsel for the Management is that a policy decision regarding not extending the services of outsourced employees was taken on 30-8-2017 and 20-9-2017 itself which was before the date of raising dispute before the Assistant Labour Commissioner. Learned Counsel for workmen Union has submitted that the decision was with respect to outsourced employees in the case in hand. The applicant workmen are employees appointed by the University through its department itself and not kept on outsourced. Hence, that decision had no relation with termination of service of the applicant workman. The RTI documents amply show that the payments were made to the workmen directly by the University and not through outsourced agency. The Management has nowhere disclosed as to through which outsourced agency the applicant workmen were engaged. This non-disclosure bears significance in the light of the fact that case of the workmen Union is that the applicant workmen are daily wage/muster roll employees appointed by the University through its department and there is uncontroverted affidavit in support corroborated by RTI documents. Hence, the aforesaid arguments of the learned counsel for the Management is held without any merit from the evidence on record. It is established that the services of the applicant workman whose cases have been espoused by the Workman Union were terminated during the pendency of Industrial Dispute before Competent Authority which is in violation of Section 33A of the Act.

10. The Petition stands disposed of accordingly.

11. Let a copy of this order be sent to the appropriate Government.

P. K. SRIVASTAVA, Presiding Officer

DATE: 9-11-2022.

नई दिल्ली, 27 जनवरी, 2023

का.आ. 125.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलसचिव, डॉ. हरि सिंह गौर विश्वविद्यालय, (केन्द्रीय विश्वविद्यालय) सागर (म.प्र.) के प्रबंधन के संबद्ध नियोजकों और श्री संतोष नामदेव, द्वारा महासचिव, विश्वविद्यालय कामगार यूनियन, सागर-(म.प्र.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. CGIT/LC/A/7/2019) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 13/01/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-33-आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 27th January, 2023

S.O. 125.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/A/7/2019) of the Central Government Industrial Tribunal cum Labour-Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Registrar, Dr. Hari Singh Gaur Vishwavidyalaya, (Central University) Sagar - (M.P.) and Shri Santosh Namdeo, through The General Secretary, Vishwavidyalaya Kamgar Union, Sagar - (M.P.), which was received along with soft copy of the award by the Central Government on 13/01/2023.

[No. L- 42025/07/2023-33- IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM- LABOUR COURT,
JABALPUR
NO. CGIT/LC/A/7/2019

Present: P. K.SRIVASTAVA, H.J.S..(Retd)

Shri Shiv Prasad Raikwar
General Secretary
Vishwavidyalaya Kamgar Union
Padmakar School Gate
Namak Mandi,Katra Bazaar,
Sagar(M.P.)

Representing:Santosh Namdeo

...Applicant

Versus

Mr. Rakesh Mohan Joshi,
Registrar,
Dr. Hari Singh Gaur vishwavidyalaya,
(Central University)
Sagar(M.P.)470003...

.Respondent

ORDER

(Passed on this 9th day of November-2022)

1. The Workman Union through its Secretary has filed this petition under Section 33(A) of the Industrial Disputes Act, hereinafter referred to by the word "Act", with a case that the applicant Union approached this Tribunal by way of reference dated 13-11-2018 referred for adjudication before this Tribunal as to whether the workman is entitled for classification and regarding the validity of order of is termination dated 25-10-2017. The workman union raised a dispute vide application dated 11-10-2017 being aggrieved by the unfair labour practice adopted by the Management. Notice was sent by Conciliation Officer on the dispute to the Management and was served on Management accordingly. It is further the case of the Workman Union that after service of notice by concerned Assistant Labour Commissioner, the Management issued a termination letter to all of its Head of the Department and directed that employees discharging duties on out sourcing basis be terminated forthwith. The applicant workman who was discharging his duties on daily wage basis was also terminated by the Management. According to the Workman Union, the retrenchment and termination of the services of the workman w.e.f. 25-10-2017 is in violation of Principles of Natural Justice as well as Section 33 A of the Act because it is alteration in service conditions of the applicant workman to prejudice during the pendency of the Industrial Dispute before the appropriate Government. Accordingly, it has been prayed that holding the Registrar of Dr. Hari Singh Gaur Vishwavidyalaya having committed violation of Section 33A of the Act, his prosecution be initiated accordingly.

2. Affidavit has been filed in support.

3. In its reply, the Management has taken a case that certain persons were engaged through out-sourcing by the Management of the University, in accordance with the exigency of work. The applicant workman is also one of them. He was not engaged against any vacant and sanctioned post following any recruitment process, rather his engagement was on contract basis directly by the concerned Department. The Tenure of this workman has been extended from time to time, either for 59 days or 89 days . The University took a decision in August-2017 not to extend the engagement of any such workmen beyond 30-8-2017 and a letter was circulated to every Department by the Registrar. Vide letter of Registrar dated 22-8-2017, the Heads of the Department have been intimated to take work only from employees engaged on contract basis directly by the concerned department only upto 29-8-2017 and not beyond that . Thereafter, an another order was issued on 25-10-2017 directing all the Heads of the Department against recommendation of extension of any employee engaged on contract basis directly by the Department. Thus according to the Management, it took a conscious policy decision to disengage workmen in the month of August-2017 itself. The dispute was raised by the workman only on 11-10-2017, hence there is no violation of Section 33A of the Act. Affidavit has been filed in support.

4. The Workman Union has filed affidavit of the applicant workman as his examination in chief. He has reiterated his case as mentioned above in the petition. The workman Union has further filed as many as nine photocopy documents which are application dated 11-10-2017 filed before the Assistant Labour

Commissioner(C) raising the dispute. Notice dated 18-10-2017 sent by Assistant Labour Commissioner to Management in response of the petition before the Assistant Labour Commissioner, the application along with a list filed by the Workman Union before Assistant Labour Commissioner, application by workman Union before Registrar filed on 26-10-2017 informing him that the workman Union has raised a dispute before Assistant Labour Commissioner and a notice to the dispute has been served on the University on 20-10-2017, hence any alteration in service condition of the workman is in violation of Section 33A of the Act. It is also stated that the workmen are not outsourced employees , rather they have been directly appointed by the respective departments, Petition under Section 33 and 33A of the Act filed on 17-11-2017 before Assistant Labour Commissioner , failure of conciliation report dated 18-5-2018, Notesheet for payment till 31-10-2017 to the applicant workman and 16 other co-workmen.

5. The Workman Union has further filed as many as 21 RTI documents regarding proof of direct payment to the workman from the University and also showing that notice of dispute was served on University only on 20-10-2017.

6. The Management has not filed affidavit of any of its witness.

7. I have heard arguments of Mr. Uttam Maheshwari, learned counsel for the workmen and Shri Rahul Tripathi for the Management.

8. Before entering into any discussion, Section 33A of the Act requires to reproduced and is being reproduced as follows:-

33A. Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings.—Where an employer contravenes the provisions of section 33 during the pendency of proceedings 5[before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal], any employee aggrieved by such contravention, may make a complaint in writing,5[in the prescribed manner,—

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.

9. The facts are almost undisputed in the case in hand. According to the workmen Union, when they raised a dispute before the Assistant Labour Commissioner , they came to know that their services might be terminated against law. The Assistant Labour Commissioner sent notice with respect to dispute which was admittedly served on 20-10-2017. This fact is supported from the RTI documents also filed on record. The services were terminated from 25-10-2017 is also not disputed. The arguments of learned counsel for the Management is that a policy decision regarding not extending the services of outsourced employees was taken on 30-8-2017 and 20-9-2017 itself which was before the date of raising dispute before the Assistant Labour Commissioner. Learned Counsel for workmen Union has submitted that the decision was with respect to outsourced employees in the case in hand. The applicant workmen are employees appointed by the University through its department itself and not kept on outsourced. Hence, that decision had no relation with termination of service of the applicant workman. The RTI documents amply show that the payments were made to the workmen directly by the University and not through outsourced agency. The Management has no where disclosed as to through which outsourced agency the applicant workmen were engaged. This non-disclosure bares significance in the light of the fact that case of the workmen Union is that the applicant workmen are daily wage/muster roll employees appointed by the University through its department and there is uncontroverted affidavit in support corroborated by RTI documents. Hence, the aforesaid arguments of the learned counsel for the Management is held without any merit from the evidence on record. It is established that the services of the applicant workman whose cases has been espoused by the Workman Union were terminated during the pendency of Industrial Dispute before Competent Authority which is in violation of Section 33A of the Act.

10. The Petition stands disposed of accordingly.

11. Let a copy of this order be sent to the appropriate Government.

P. K.SRIVASTAVA, Presiding Officer

DATE: 9-11-2022.

नई दिल्ली, 27 जनवरी, 2023

का.आ. 126.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलसचिव, डॉ हरि सिंह गौर विश्वविद्यालय, (केन्द्रीय विश्वविद्यालय) सागर (म.प्र.) के प्रबंधन के संबद्ध नियोजकों और श्री अजय कनौजिया, द्वारा महासचिव, विश्वविद्यालय कामगार यूनियन, सागर-(म.प्र.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. CGIT/LC/A/8/2019) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 13/01/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-34- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 27th January, 2023

S.O. 126.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/A/8/2019) of the Central Government Industrial Tribunal cum Labour-Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Registrar, Dr.Hari Singh Gaur vishwavidyalaya, (Central University) Sagar- (M.P.) and Shri Ajay Kanojiya, through The General Secretary, Vishwavidyalaya Kamgar Union,Sagar-(M.P.), which was received along with soft copy of the award by the Central Government on 13/01/2023.

[No. L-42025/07/2023-34- IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,

JABALPUR

NO. CGIT/LC/A/8/2019

Present: P. K. SRIVASTAVA, H.J.S..(Retd)

Shri Shiv Prasad Raikwar
General Secretary
Vishwavidyalaya Kamgar Union
Padmakar School Gate
Namak Mandi, Katra Bazaar,
Sagar (M.P.)

Representing:Ajay Kanojiya

...Applicant

Versus

Mr. Rakesh Mohan Joshi,
Registrar,
Dr. Hari Singh Gaur vishwavidyalaya,
(Central University)
Sagar(M.P.)470003.

...Respondent

ORDER

(Passed on this 9th day of November-2022)

1. The Workman Union through its Secretary has filed this petition under Section 33(A) of the Industrial Disputes Act, hereinafter referred to by the word "Act", with a case that the applicant Union approached this Tribunal by way of reference dated 13-11-2018 referred for adjudication before this Tribunal as to whether the workman is entitled for classification and regarding the validity of order of is termination dated 25-10-2017. The workman union raised a dispute vide application dated 11-10-2017 being aggrieved by the unfair labour practice adopted by the Management. Notice was sent by Conciliation Officer on the dispute to the Management and was served on Management accordingly. It is further the case of the Workman Union that after service of notice by concerned Assistant Labour Commissioner, the Management issued a termination

letter to all of its Head of the Department and directed that employees discharging duties on out sourcing basis be terminated forthwith. The applicant workman who was discharging his duties on daily wage basis was also terminated by the Management. According to the Workman Union, the retrenchment and termination of the services of the workman w.e.f. 25-10-2017 is in violation of Principles of Natural Justice as well as Section 33 A of the Act because it is alteration in service conditions of the applicant workman to prejudice during the pendency of the Industrial Dispute before the appropriate Government. Accordingly, it has been prayed that holding the Registrar of Dr. Hari Singh Gaur Vishwavidyalaya having committed violation of Section 33A of the Act, his prosecution be initiated accordingly.

2. Affidavit has been filed in support.

3. In its reply, the Management has taken a case that certain persons were engaged through out-sourcing by the Management of the University, in accordance with the exigency of work. The applicant workman is also one of them. He was not engaged against any vacant and sanctioned post following any recruitment process, rather his engagement was on contract basis directly by the concerned Department. The Tenure of this workman has been extended from time to time, either for 59 days or 89 days. The University took a decision in August-2017 not to extend the engagement of any such workmen beyond 30-8-2017 and a letter was circulated to every Department by the Registrar. Vide letter of Registrar dated 22-8-2017, the Heads of the Department have been intimated to take work only from employees engaged on contract basis directly by the concerned department only upto 29-8-2017 and not beyond that. Thereafter, an another order was issued on 25-10-2017 directing all the Heads of the Department against recommendation of extension of any employee engaged on contract basis directly by the Department. Thus according to the Management, it took a conscious policy decision to disengage workmen in the month of August-2017 itself. The dispute was raised by the workman only on 11-10-2017, hence there is no violation of Section 33A of the Act. Affidavit has been filed in support.

4. The Workman Union has filed affidavit of the applicant workman as his examination in chief. He has reiterated his case as mentioned above in the petition. The workman Union has further filed as many as nine photocopy documents which are application dated 11-10-2017 filed before the Assistant Labour Commissioner(C) raising the dispute. Notice dated 18-10-2017 sent by Assistant Labour Commissioner to Management in response of the petition before the Assistant Labour Commissioner, the application along with a list filed by the Workman Union before Assistant Labour Commissioner, application by workman Union before Registrar filed on 26-10-2017 informing him that the workman Union has raised a dispute before Assistant Labour Commissioner and a notice to the dispute has been served on the University on 20-10-2017, hence any alteration in service condition of the workman is in violation of Section 33A of the Act. It is also stated that the workmen are not outsourced employees, rather they have been directly appointed by the respective departments, Petition under Section 33 and 33A of the Act filed on 17-11-2017 before Assistant Labour Commissioner, failure of conciliation report dated 18-5-2018, Notesheet for payment till 31-10-2017 to the applicant workman and 16 other co-workmen.

5. The Workman Union has further filed as many as 21 RTI documents regarding proof of direct payment to the workman from the University and also showing that notice of dispute was served on University only on 20-10-2017.

6. The Management has not filed affidavit of any of its witness.

7. I have heard arguments of Mr. Uttam Maheshwari, learned counsel for the workmen and Shri Rahul Tripathi for the Management.

8. Before entering into any discussion, Section 33A of the Act requires to reproduced and is being reproduced as follows:-

33A. Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings.—Where an employer contravenes the provisions of section 33 during the pendency of proceedings 5[before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal], any employee aggrieved by such contravention, may make a complaint in writing,5[in the prescribed manner],—

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.

9. The facts are almost undisputed in the case in hand. According to the workmen Union, when they raised a dispute before the Assistant Labour Commissioner, they came to know that their services might be terminated against law. The Assistant Labour Commissioner sent notice with respect to dispute which was admittedly served on 20-10-2017. This fact is supported from the RTI documents also filed on record. The services were terminated from 25-10-2017 is also not disputed. The arguments of learned counsel for the Management is that a policy decision regarding not extending the services of outsourced employees was taken on 30-8-2017 and 20-9-2017 itself which was before the date of raising dispute before the Assistant Labour Commissioner. Learned Counsel for workmen Union has submitted that the decision was with respect to outsourced employees in the case in hand. The applicant workmen are employees appointed by the University through its department itself and not kept on outsourced. Hence, that decision had no relation with termination of service of the applicant workman. The RTI documents amply show that the payments were made to the workmen directly by the University and not through outsourced agency. The Management has nowhere disclosed as to through which outsourced agency the applicant workmen were engaged. This non-disclosure bears significance in the light of the fact that case of the workmen Union is that the applicant workmen are daily wage/muster roll employees appointed by the University through its department and there is uncontroverted affidavit in support corroborated by RTI documents. Hence, the aforesaid arguments of the learned counsel for the Management is held without any merit from the evidence on record. It is established that the services of the applicant workman whose cases have been espoused by the Workman Union were terminated during the pendency of Industrial Dispute before Competent Authority which is in violation of Section 33A of the Act.

10. The Petition stands disposed of accordingly.

11. Let a copy of this order be sent to the appropriate Government.

P. K. SRIVASTAVA, Presiding Officer

DATE: 9-11-2022.

नई दिल्ली, 27 जनवरी, 2023

का.आ. 127.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलसचिव, डॉ. हरि सिंह गौर विश्वविद्यालय, (केन्द्रीय विश्वविद्यालय) सागर (म.प्र.) के प्रबंधन के संबद्ध नियोजकों और श्री धर्मेन्द्र राजक, द्वारा महासचिव, विश्वविद्यालय कामगार यूनियन, सागर-(म.प्र.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. CGIT/LC/A/9/2019) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 13/01/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-35 आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 27th January, 2023

S.O. 127.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/A/9/2019) of the Central Government Industrial Tribunal cum Labour Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Registrar, Dr. Hari Singh Gaur vishwavidyalaya, (Central University) Sagar- (M.P.) and Shri Dharmendra Rajak, through The General Secretary, Vishwavidyalaya Kamgar Union, Sagar - (M.P.), which was received along with soft copy of the award by the Central Government on 13/01/2023.

[No. L-42025/07/2023-35- IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM -LABOUR COURT,

JABALPUR

No. CGIT/LC/A/9/2019

Present: P.K. SRIVASTAVA, H.J.S..(Retd)

Shri Shiv Prasad Raikwar

General Secretary

Vishwavidyalaya Kamgar Union

Padmakar School Gate

**Namak Mandi, Katra Bazaar,
Sagar (M.P.)
Representing: Dharmendra Rajak**

...Applicant

Versus

**Mr. Rakesh Mohan Joshi,
Registrar,
Dr. Hari Singh Gaur vishwavidyalaya,
(Central University)
Sagar (M.P.) 470003.**

....Respondent

ORDER

(Passed on this 9th day of November-2022)

1. The Workman Union through its Secretary has filed this petition under Section 33(A) of the Industrial Disputes Act, hereinafter referred to by the word "Act", with a case that the applicant Union approached this Tribunal by way of reference dated 13-11-2018 referred for adjudication before this Tribunal as to whether the workman is entitled for classification and regarding the validity of order of its termination dated 25-10-2017. The workman union raised a dispute vide application dated 11-10-2017 being aggrieved by the unfair labour practice adopted by the Management. Notice was sent by Conciliation Officer on the dispute to the Management and was served on Management accordingly. It is further the case of the Workman Union that after service of notice by concerned Assistant Labour Commissioner, the Management issued a termination letter to all of its Head of the Department and directed that employees discharging duties on out sourcing basis be terminated forthwith. The applicant workman who was discharging his duties on daily wage basis was also terminated by the Management. According to the Workman Union, the retrenchment and termination of the services of the workman w.e.f. 25-10-2017 is in violation of Principles of Natural Justice as well as Section 33 A of the Act because it is alteration in service conditions of the applicant workman to prejudice during the pendency of the Industrial Dispute before the appropriate Government. Accordingly, it has been prayed that holding the Registrar of Dr. Hari Singh Gaur Vishwavidyalaya having committed violation of Section 33A of the Act, his prosecution be initiated accordingly.

2. Affidavit has been filed in support.

3. In its reply, the Management has taken a case that certain persons were engaged through out-sourcing by the Management of the University, in accordance with the exigency of work. The applicant workman is also one of them. He was not engaged against any vacant and sanctioned post following any recruitment process, rather his engagement was on contract basis directly by the concerned Department. The Tenure of this workman has been extended from time to time, either for 59 days or 89 days. The University took a decision in August-2017 not to extend the engagement of any such workmen beyond 30-8-2017 and a letter was circulated to every Department by the Registrar. Vide letter of Registrar dated 22-8-2017, the Heads of the Department have been intimated to take work only from employees engaged on contract basis directly by the concerned department only upto 29-8-2017 and not beyond that. Thereafter, another order was issued on 25-10-2017 directing all the Heads of the Department against recommendation of extension of any employee engaged on contract basis directly by the Department. Thus according to the Management, it took a conscious policy decision to disengage workmen in the month of August-2017 itself. The dispute was raised by the workman only on 11-10-2017, hence there is no violation of Section 33A of the Act. Affidavit has been filed in support.

4. The Workman Union has filed affidavit of the applicant workman as his examination in chief. He has reiterated his case as mentioned above in the petition. The workman Union has further filed as many as nine photocopy documents which are application dated 11-10-2017 filed before the Assistant Labour Commissioner(C) raising the dispute. Notice dated 18-10-2017 sent by Assistant Labour Commissioner to Management in response of the petition before the Assistant Labour Commissioner, the application along with a list filed by the Workman Union before Assistant Labour Commissioner, application by workman Union before Registrar filed on 26-10-2017 informing him that the workman Union has raised a dispute before Assistant Labour Commissioner and a notice to the dispute has been served on the University on 20-10-2017, hence any alteration in service condition of the workman is in violation of Section 33A of the Act. It is also stated that the workmen are not outsourced employees, rather they have been directly appointed by the respective departments. Petition under Section 33 and 33A of the Act filed on 17-11-2017 before Assistant Labour Commissioner, failure of conciliation report dated 18-5-2018, Notesheet for payment till 31-10-2017 to the applicant workman and 16 other co-workmen.

5. The Workman Union has further filed as many as 21 RTI documents regarding proof of direct payment to the workman from the University and also showing that notice of dispute was served on University only on 20-10-2017.

6. The Management has not filed affidavit of any of its witness.

7. I have heard arguments of Mr. Uttam Maheshwari, learned counsel for the workmen and Shri Rahul Tripathi for the Management.

8. Before entering into any discussion, Section 33A of the Act requires to reproduced and is being reproduced as follows:-

33A. Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings.—Where an employer contravenes the provisions of section 33 during the pendency of proceedings 5[before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal], any employee aggrieved by such contravention, may make a complaint in writing,5[in the prescribed manner,—

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.

9. The facts are almost undisputed in the case in hand. According to the workmen Union, when they raised a dispute before the Assistant Labour Commissioner, they came to know that their services might be terminated against law. The Assistant Labour Commissioner sent notice with respect to dispute which was admittedly served on 20-10-2017. This fact is supported from the RTI documents also filed on record. The services were terminated from 25-10-2017 is also not disputed. The arguments of learned counsel for the Management is that a policy decision regarding not extending the services of outsourced employees was taken on 30-8-2017 and 20-9-2017 itself which was before the date of raising dispute before the Assistant Labour Commissioner. Learned Counsel for workmen Union has submitted that the decision was with respect to outsourced employees in the case in hand. The applicant workmen are employees appointed by the University through its department itself and not kept on outsourced. Hence, that decision had no relation with termination of service of the applicant workman. The RTI documents amply show that the payments were made to the workmen directly by the University and not through outsourced agency. The Management has nowhere disclosed as to through which outsourced agency the applicant workmen were engaged. This non-disclosure bares significance in the light of the fact that case of the workmen Union is that the applicant workmen are daily wage/muster roll employees appointed by the University through its department and there is uncontroverted affidavit in support corroborated by RTI documents. Hence, the aforesaid arguments of the learned counsel for the Management is held without any merit from the evidence on record. It is established that the services of the applicant workman whose cases has been espoused by the Workman Union were terminated during the pendency of Industrial Dispute before Competent Authority which is in violation of Section 33A of the Act.

10. The Petition stands disposed of accordingly.

11. Let a copy of this order be sent to the appropriate Government.

P. K. SRIVASTAVA, Presiding Officer

DATE: 9-11-2022

नई दिल्ली, 27 जनवरी, 2023

का.आ. 128.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलसचिव, डॉ हरि सिंह गौर विश्वविद्यालय, (केन्द्रीय विश्वविद्यालय) सागर (म.प्र.) के प्रबंधन के संबद्ध नियोजकों और श्री राजेंद्र सिंह ठाकुर, द्वारा महासचिव, विश्वविद्यालय कामगार यूनियन, सागर-(म.प्र.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. CGIT/LC/A/11/2019) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 13/01/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-37- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 27th January, 2023

S.O. 128.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/A/11/2019) of the Central Government Industrial Tribunal cum Labour–Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Registrar, Dr.Hari Singh Gaur vishwavidyalaya, (Central University) Sagar- (M.P.) and Shri Rajendra Singh Thakur, through The General Secretary, Vishwavidyalaya Kamgar Union,Sagar - (M.P.), which was received along with soft copy of the award by the Central Government on 13/01/2023.

[No. L-42025/07/2023-37- IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM -LABOUR COURT,

JABALPUR

NO. CGIT/LC/A/11/2019

Present: P. K. SRIVASTAVA, H.J.S..(Retd)

Shri Shiv Prasad Raikwar
General Secretary
Vishwavidyalaya Kamgar Union
Padmakar School Gate
Namak Mandi,Katra Bazaar,
Sagar (M.P.)

Representing: Rajendra Singh Thakur

...Applicant

Versus

Mr. Rakesh Mohan Joshi,
Registrar,
Dr. Hari Singh Gaur vishwavidyalaya,
(Central University)
Sagar (M.P.) 470003.

...Respondent

ORDER

(Passed on this 9th day of November-2022)

1. The Workman Union through its Secretary has filed this petition under Section 33(A) of the Industrial Disputes Act, hereinafter referred to by the word "Act", with a case that the applicant Union approached this Tribunal by way of reference dated 13-11-2018 referred for adjudication before this Tribunal as to whether the workman is entitled for classification and regarding the validity of order of is termination dated 25-10-2017. The workman union raised a dispute vide application dated 11-10-2017 being aggrieved by the unfair labour practice adopted by the Management. Notice was sent by Conciliation Officer on the dispute to the Management and was served on Management accordingly. It is further the case of the Workman Union that after service of notice by concerned Assistant Labour Commissioner, the Management issued a termination letter to all of its Head of the Department and directed that employees discharging duties on out sourcing basis be terminated forthwith. The applicant workman who was discharging his duties on daily wage basis was also terminated by the Management. According to the Workman Union, the retrenchment and termination of the services of the workman w.e.f. 25-10-2017 is in violation of Principles of Natural Justice as well as Section 33 A of the Act because it is alteration in service conditions of the applicant workman to prejudice during the pendency of the Industrial Dispute before the appropriate Government. Accordingly, it has been prayed that holding the Registrar of Dr. Hari Singh Gaur Vishwavidyalaya having committed violation of Section 33A of the Act, his prosecution be initiated accordingly.

2. Affidavit has been filed in support.

3. In its reply, the Management has taken a case that certain persons were engaged through out-sourcing by the Management of the University, in accordance with the exigency of work. The applicant workman is also one of them. He was not engaged against any vacant and sanctioned post following any recruitment process,

rather his engagement was on contract basis directly by the concerned Department. The Tenure of this workman has been extended from time to time, either for 59 days or 89 days . The University took a decision in August-2017 not to extend the engagement of any such workmen beyond 30-8-2017 and a letter was circulated to every Department by the Registrar. Vide letter of Registrar dated 22-8-2017, the Heads of the Department have been intimated to take work only from employees engaged on contract basis directly by the concerned department only upto 29-8-2017 and not beyond that . Thereafter, an another order was issued on 25-10-2017 directing all the Heads of the Department against recommendation of extension of any employee engaged on contract basis directly by the Department. Thus according to the Management, it took a conscious policy decision to disengage workmen in the month of August-2017 itself. The dispute was raised by the workman only on 11-10-2017, hence there is no violation of Section 33A of the Act. Affidavit has been filed in support.

4. The Workman Union has filed affidavit of the applicant workman as his examination in chief. He has reiterated his case as mentioned above in the petition. The workman Union has further filed as many as nine photocopy documents which are application dated 11-10-2017 filed before the Assistant Labour Commissioner(C) raising the dispute. Notice dated 18-10-2017 sent by Assistant Labour Commissioner to Management in response of the petition before the Assistant Labour Commissioner, the application along with a list filed by the Workman Union before Assistant Labour Commissioner, application by workman Union before Registrar filed on 26-10-2017 informing him that the workman Union has raised a dispute before Assistant Labour Commissioner and a notice to the dispute has been served on the University on 20-10-2017, hence any alteration in service condition of the workman is in violation of Section 33A of the Act. It is also stated that the workmen are not outsourced employees , rather they have been directly appointed by the respective departments, Petition under Section 33 and 33A of the Act filed on 17-11-2017 before Assistant Labour Commissioner , failure of conciliation report dated 18-5-2018, Notesheet for payment till 31-10-2017 to the applicant workman and 16 other co-workmen.

5. The Workman Union has further filed as many as 21 RTI documents regarding proof of direct payment to the workman from the University and also showing that notice of dispute was served on University only on 20-10-2017.

6. The Management has not filed affidavit of any of its witness.

7. I have heard arguments of Mr. Uttam Maheshwari, learned counsel for the workmen and Shri Rahul Tripathi for the Management.

8. Before entering into any discussion, Section 33A of the Act requires to reproduced and is being reproduced as follows:-

33A. Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings.—Where an employer contravenes the provisions of section 33 during the pendency of proceedings 5[before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal], any employee aggrieved by such contravention, may make a complaint in writing,5[in the prescribed manner,—

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.

9. The facts are almost undisputed in the case in hand. According to the workmen Union, when they raised a dispute before the Assistant Labour Commissioner , they came to know that their services might be terminated against law. The Assistant Labour Commissioner sent notice with respect to dispute which was admittedly served on 20-10-2017. This fact is supported from the RTI documents also filed on record. Te services were terminated from 25-10-2017 is also not disputed. The arguments of learned counsel for the Management is that a policy decision regarding not extending the services of outsourced employees was taken on 30-8-2017 and 20-9-2017 itself which was before the date of raising dispute before the Assistant Labour Commissioner. Learned Counsel for workmen Union has submitted that the decision was with respect to outsourced employees in the case in hand. The applicant workmen are employees appointed by the University through its department itself and not kept on outsourced. Hence, that decision had no relation with termination of service of the applicant workman. The RTI documents amply show that the payments were made to the workmen directly by the University and not through outsourced agency. The Management has no where disclosed as to through which outsourced agency the applicant workmen were engaged. This non-disclosure

bare significance in the light of the fact that case of the workmen Union is that the applicant workmen are daily wage/muster roll employees appointed by the University through its department and there is uncontroverted affidavit in support corroborated by RTI documents. Hence, the aforesaid arguments of the learned counsel for the Management is held without any merit from the evidence on record. It is established that the services of the applicant workman whose cases has been espoused by the Workman Union were terminated during the pendency of Industrial Dispute before Competent Authority which is in violation of Section 33A of the Act.

10. The Petition stands disposed of accordingly.

11. Let a copy of this order be sent to the appropriate Government.

P. K.SRIVASTAVA, Presiding Officer

DATE: 9-11-2022.

नई दिल्ली, 27 जनवरी, 2023

का.आ. 129.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलसचिव, डॉ हरि सिंह गौर विश्वविद्यालय, (केन्द्रीय विश्वविद्यालय) सागर (म.प्र.) के प्रबंधन के संबद्ध नियोजकों और श्री अमित साहू, द्वारा महासचिव, विश्वविद्यालय कामगार यूनियन, सागर-(म.प्र.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट(संदर्भ संख्या CGIT/LC/A/12/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 13/01/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-38-आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 27th January, 2023

S.O. 129.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/A/12/2019) of the Central Government Industrial Tribunal cum Labour-Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Registrar, Dr.Hari Singh Gaur vishwavidyalaya, (Central University) Sagar- (M.P.) and Shri Amit Sahu, through The General Secretary, Vishwavidyalaya Kamgar Union,Sagar - (M.P.), which was received along with soft copy of the award by the Central Government on 13/01/2023.

[No. L-42025/07/2023-38- IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM -LABOUR COURT,

JABALPUR

NO. CGIT/LC/A/12/2019

Present: P. K. Srivastava, H.J.S..(Retd)

Shri Shiv Prasad Raikwar
General Secretary
Vishwavidyalaya Kamgar Union
Padmakar School Gate
Namak Mandi, Katra Bazaar,
Sagar(M.P.)

Representing:Amit Sahu

...Applicant

Versus

**Mr. Rakesh Mohan Joshi,
Registrar,
Dr. Hari Singh Gaur vishwavidyalaya,
(Central University)
Sagar(M.P.)470003.**

...Respondent

ORDER

(Passed on this 9th day of November-2022)

1. The Workman Union through its Secretary has filed this petition under Section 33(A) of the Industrial Disputes Act, hereinafter referred to by the word "Act", with a case that the applicant Union approached this Tribunal by way of reference dated 13-11-2018 referred for adjudication before this Tribunal as to whether the workman is entitled for classification and regarding the validity of order of is termination dated 25-10-2017. The workman union raised a dispute vide application dated 11-10-2017 being aggrieved by the unfair labour practice adopted by the Management. Notice was sent by Conciliation Officer on the dispute to the Management and was served on Management accordingly. It is further the case of the Workman Union that after service of notice by concerned Assistant Labour Commissioner, the Management issued a termination letter to all of its Head of the Department and directed that employees discharging duties on out sourcing basis be terminated forthwith. The applicant workman who was discharging his duties on daily wage basis was also terminated by the Management. According to the Workman Union, the retrenchment and termination of the services of the workman w.e.f. 25-10-2017 is in violation of Principles of Natural Justice as well as Section 33 A of the Act because it is alteration in service conditions of the applicant workman to prejudice during the pendency of the Industrial Dispute before the appropriate Government. Accordingly, it has been prayed that holding the Registrar of Dr. Hari Singh Gaur Vishwavidyalaya having committed violation of Section 33A of the Act, his prosecution be initiated accordingly.
2. Affidavit has been filed in support.
3. In its reply, the Management has taken a case that certain persons were engaged through out-sourcing by the Management of the University, in accordance with the exigency of work. The applicant workman is also one of them. He was not engaged against any vacant and sanctioned post following any recruitment process, rather his engagement was on contract basis directly by the concerned Department. The Tenure of this workman has been extended from time to time, either for 59 days or 89 days . The University took a decision in August-2017 not to extend the engagement of any such workmen beyond 30-8-2017 and a letter was circulated to every Department by the Registrar. Vide letter of Registrar dated 22-8-2017, the Heads of the Department have been intimated to take work only from employees engaged on contract basis directly by the concerned department only upto 29-8-2017 and not beyond that . Thereafter, an another order was issued on 25-10-2017 directing all the Heads of the Department against recommendation of extension of any employee engaged on contract basis directly by the Department. Thus according to the Management, it took a conscious policy decision to disengage workmen in the month of August-2017 itself. The dispute was raised by the workman only on 11-10-2017, hence there is no violation of Section 33A of the Act. Affidavit has been filed in support.
4. The Workman Union has filed affidavit of the applicant workman as his examination in chief. He has reiterated his case as mentioned above in the petition. The workman Union has further filed as many as nine photocopy documents which are application dated 11-10-2017 filed before the Assistant Labour Commissioner (C) raising the dispute. Notice dated 18-10-2017 sent by Assistant Labour Commissioner to Management in response of the petition before the Assistant Labour Commissioner, the application along with a list filed by the Workman Union before Assistant Labour Commissioner, application by workman Union before Registrar filed on 26-10-2017 informing him that the workman Union has raised a dispute before Assistant Labour Commissioner and a notice to the dispute has been served on the University on 20-10-2017, hence any alteration in service condition of the workman is in violation of Section 33A of the Act. It is also stated that the workmen are not outsourced employees , rather they have been directly appointed by the respective departments, Petition under Section 33 and 33A of the Act filed on 17-11-2017 before Assistant Labour Commissioner , failure of conciliation report dated 18-5-2018, Notesheet for payment till 31-10-2017 to the applicant workman and 16 other co-workmen.
5. The Workman Union has further filed as many as 21 RTI documents regarding proof of direct payment to the workman from the University and also showing that notice of dispute was served on University only on 20-10-2017.
6. The Management has not filed affidavit of any of its witness.

7. I have heard arguments of Mr. Uttam Maheshwari, learned counsel for the workmen and Shri Rahul Tripathi for the Management.

8. Before entering into any discussion, Section 33A of the Act requires to reproduced and is being reproduced as follows:-

33A. Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings.—Where an employer contravenes the provisions of section 33 during the pendency of proceedings 5[before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal], any employee aggrieved by such contravention, may make a complaint in writing,5[in the prescribed manner,—

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.

9. The facts are almost undisputed in the case in hand. According to the workmen Union, when they raised a dispute before the Assistant Labour Commissioner, they came to know that their services might be terminated against law. The Assistant Labour Commissioner sent notice with respect to dispute which was admittedly served on 20-10-2017. This fact is supported from the RTI documents also filed on record. The services were terminated from 25-10-2017 is also not disputed. The arguments of learned counsel for the Management is that a policy decision regarding not extending the services of outsourced employees was taken on 30-8-2017 and 20-9-2017 itself which was before the date of raising dispute before the Assistant Labour Commissioner. Learned Counsel for workmen Union has submitted that the decision was with respect to outsourced employees in the case in hand. The applicant workmen are employees appointed by the University through its department itself and not kept on outsourced. Hence, that decision had no relation with termination of service of the applicant workman. The RTI documents amply show that the payments were made to the workmen directly by the University and not through outsourced agency. The Management has nowhere disclosed as to through which outsourced agency the applicant workmen were engaged. This non-disclosure bares significance in the light of the fact that case of the workmen Union is that the applicant workmen are daily wage/muster roll employees appointed by the University through its department and there is uncontroverted affidavit in support corroborated by RTI documents. Hence, the aforesaid arguments of the learned counsel for the Management is held without any merit from the evidence on record. It is established that the services of the applicant workman whose cases has been espoused by the Workman Union were terminated during the pendency of Industrial Dispute before Competent Authority which is in violation of Section 33A of the Act.

10. The Petition stands disposed of accordingly.

11. Let a copy of this order be sent to the appropriate Government.

P. K. SRIVASTAVA, Presiding Officer

DATE: 9-11-2022.

नई दिल्ली, 27 जनवरी, 2023

का.आ. 130.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलसचिव, डॉ हरि सिंह गौर विश्वविद्यालय, (केन्द्रीय विश्वविद्यालय) सागर (म.प्र.) के प्रबंधन के संबद्ध नियोजकों और श्री अभिषेक मिश्रा, द्वारा महासचिव, विश्वविद्यालय कामगार यूनियन, सागर-(म.प्र.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. CGIT/LC/A/13/2019) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 13/01/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-39- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 27th January, 2023

S.O. 130.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/A/13/2019) of the Central Government Industrial Tribunal cum Labour-Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Registrar, Dr.Hari Singh Gaur vishwavidyalaya, (Central University) Sagar-(M.P.) and Shri Abhishek Mishra, through The General Secretary, Vishwavidyalaya Kamgar Union, Sagar-(M.P.), which was received along with soft copy of the award by the Central Government on 13/01/2023.

[No. L-42025/07/2023-39- IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR NO. CGIT/LC/A/13/2019

Present: P.K.SRIVASTAVA, H.J.S..(Retd)

Shri Shiv Prasad Raikwar
General Secretary
Vishwavidyalaya Kamgar Union
Padmakar School Gate
Namak Mandi,Katra Bazaar,
Sagar(M.P.)

Representing:Abhishek Mishra

...Applicant

Versus

Mr. Rakesh Mohan Joshi,
Registrar,
Dr. Hari Singh Gaur vishwavidyalaya,
(Central University)
Sagar(M.P.)470003

....Respondent

ORDER

(Passed on this 9th day of November-2022)

1. The Workman Union through its Secretary has filed this petition under Section 33(A) of the Industrial Disputes Act, hereinafter referred to by the word "Act", with a case that the applicant Union approached this Tribunal by way of reference dated 13-11-2018 referred for adjudication before this Tribunal as to whether the workman is entitled for classification and regarding the validity of order of is termination dated 25-10-2017. The workman union raised a dispute vide application dated 11-10-2017 being aggrieved by the unfair labour practice adopted by the Management. Notice was sent by Conciliation Officer on the dispute to the Management and was served on Management accordingly. It is further the case of the Workman Union that after service of notice by concerned Assistant Labour Commissioner, the Management issued a termination letter to all of its Head of the Department and directed that employees discharging duties on out sourcing basis be terminated forthwith. The applicant workman who was discharging his duties on daily wage basis was also terminated by the Management. According to the Workman Union, the retrenchment and termination of the services of the workman w.e.f. 25-10-2017 is in violation of Principles of Natural Justice as well as Section 33 A of the Act because it is alteration in service conditions of the applicant workman to prejudice during the pendency of the Industrial Dispute before the appropriate Government. Accordingly, it has been prayed that holding the Registrar of Dr. Hari Singh Gaur Vishwavidyalaya having committed violation of Section 33A of the Act, his prosecution be initiated accordingly.

2. Affidavit has been filed in support.

3. In its reply, the Management has taken a case that certain persons were engaged through out-sourcing by the Management of the University, in accordance with the exigency of work. The applicant workman is also

one of them. He was not engaged against any vacant and sanctioned post following any recruitment process, rather his engagement was on contract basis directly by the concerned Department. The Tenure of this workman has been extended from time to time, either for 59 days or 89 days. The University took a decision in August-2017 not to extend the engagement of any such workmen beyond 30-8-2017 and a letter was circulated to every Department by the Registrar. Vide letter of Registrar dated 22-8-2017, the Heads of the Department have been intimated to take work only from employees engaged on contract basis directly by the concerned department only upto 29-8-2017 and not beyond that. Thereafter, another order was issued on 25-10-2017 directing all the Heads of the Department against recommendation of extension of any employee engaged on contract basis directly by the Department. Thus according to the Management, it took a conscious policy decision to disengage workmen in the month of August-2017 itself. The dispute was raised by the workman only on 11-10-2017, hence there is no violation of Section 33A of the Act. Affidavit has been filed in support.

4. The Workman Union has filed affidavit of the applicant workman as his examination in chief. He has reiterated his case as mentioned above in the petition. The workman Union has further filed as many as nine photocopy documents which are application dated 11-10-2017 filed before the Assistant Labour Commissioner(C) raising the dispute. Notice dated 18-10-2017 sent by Assistant Labour Commissioner to Management in response of the petition before the Assistant Labour Commissioner, the application along with a list filed by the Workman Union before Assistant Labour Commissioner, application by workman Union before Registrar filed on 26-10-2017 informing him that the workman Union has raised a dispute before Assistant Labour Commissioner and a notice to the dispute has been served on the University on 20-10-2017, hence any alteration in service condition of the workman is in violation of Section 33A of the Act. It is also stated that the workmen are not outsourced employees, rather they have been directly appointed by the respective departments. Petition under Section 33 and 33A of the Act filed on 17-11-2017 before Assistant Labour Commissioner, failure of conciliation report dated 18-5-2018, Notesheet for payment till 31-10-2017 to the applicant workman and 16 other co-workmen.

5. The Workman Union has further filed as many as 21 RTI documents regarding proof of direct payment to the workman from the University and also showing that notice of dispute was served on University only on 20-10-2017.

6. The Management has not filed affidavit of any of its witness.

7. I have heard arguments of Mr. Uttam Maheshwari, learned counsel for the workmen and Shri Rahul Tripathi for the Management.

8. Before entering into any discussion, Section 33A of the Act requires to be reproduced and is being reproduced as follows:-

33A. Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings.—Where an employer contravenes the provisions of section 33 during the pendency of proceedings 5[before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal], any employee aggrieved by such contravention, may make a complaint in writing,5[in the prescribed manner,—

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.

9. The facts are almost undisputed in the case in hand. According to the workmen Union, when they raised a dispute before the Assistant Labour Commissioner, they came to know that their services might be terminated against law. The Assistant Labour Commissioner sent notice with respect to dispute which was admittedly served on 20-10-2017. This fact is supported from the RTI documents also filed on record. The services were terminated from 25-10-2017 is also not disputed. The arguments of learned counsel for the Management is that a policy decision regarding not extending the services of outsourced employees was taken on 30-8-2017 and 20-9-2017 itself which was before the date of raising dispute before the Assistant Labour Commissioner. Learned Counsel for workmen Union has submitted that the decision was with respect to outsourced employees in the case in hand. The applicant workmen are employees appointed by the University through its department itself and not kept on outsourced. Hence, that decision had no relation with termination of service of the applicant workman. The RTI documents amply show that the payments were made to the workmen directly by the University and not through outsourced agency. The Management has nowhere disclosed as to through which outsourced agency the applicant workmen were engaged. This non-disclosure

bare significance in the light of the fact that case of the workmen Union is that the applicant workmen are daily wage/muster roll employees appointed by the University through its department and there is uncontroverted affidavit in support corroborated by RTI documents. Hence, the aforesaid arguments of the learned counsel for the Management is held without any merit from the evidence on record. It is established that the services of the applicant workman whose cases has been espoused by the Workman Union were terminated during the pendency of Industrial Dispute before Competent Authority which is in violation of Section 33A of the Act.

10. The Petition stands disposed of accordingly.

11. Let a copy of this order be sent to the appropriate Government.

P. K. SRIVASTAVA, Presiding Officer

DATE: 9-11-2022.

नई दिल्ली, 27 जनवरी, 2023

का.आ. 131.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलसचिव, डॉ हरि सिंह गौर विश्वविद्यालय, (केन्द्रीय विश्वविद्यालय) सागर (म.प्र.) के प्रबंधन के संबंध नियोजकों और श्री कुमार प्रीति रजक, द्वारा महासचिव, विश्वविद्यालय कामगार यूनियन, सागर-(म.प्र.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट (संदर्भ सं. CGIT/LC/A/14/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 13/01/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-40- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 27th January, 2023

S.O. 131.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/A/14/2019) of the Central Government Industrial Tribunal cum Labour-Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Registrar, Dr.Hari Singh Gaur vishwavidyalaya, (Central University) Sagar- (M.P.) and Shri Kumar Preeti Rajak, through The General Secretary, Vishwavidyalaya Kamgar Union,Sagar - (M.P.), which was received along with soft copy of the award by the Central Government on 13/01/2023.

[No. L- 42025/07/2023-40- IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM -LABOUR COURT,
JABALPUR**

NO. CGIT/LC/A/14/2019

Present: P. K.SRIVASTAVA, H.J.S..(Retd)

Shri Shiv Prasad Raikwar
General Secretary
Vishwavidyalaya Kamgar Union
Padmakar School Gate
Namak Mandi,Katra Bazaar,
Sagar(M.P.)

Representing: Ku.Preeti Rajak

...Applicant

Versus

Mr. Rakesh Mohan Joshi,
Registrar,
Dr. Hari Singh Gaur vishwavidyalaya,
(Central University)
Sagar(M.P.)470003.

...Respondent

ORDER

(Passed on this 9th day of November-2022)

1. The Workman Union through its Secretary has filed this petition under Section 33(A) of the Industrial Disputes Act, hereinafter referred to by the word "Act", with a case that the applicant Union approached this Tribunal by way of reference dated 13-11-2018 referred for adjudication before this Tribunal as to whether the workman is entitled for classification and regarding the validity of order of is termination dated 25-10-2017. The workman union raised a dispute vide application dated 11-10-2017 being aggrieved by the unfair labour practice adopted by the Management. Notice was sent by Conciliation Officer on the dispute to the Management and was served on Management accordingly. It is further the case of the Workman Union that after service of notice by concerned Assistant Labour Commissioner, the Management issued a termination letter to all of its Head of the Department and directed that employees discharging duties on out sourcing basis be terminated forthwith. The applicant workman who was discharging his duties on daily wage basis was also terminated by the Management. According to the Workman Union, the retrenchment and termination of the services of the workman w.e.f. 25-10-2017 is in violation of Principles of Natural Justice as well as Section 33 A of the Act because it is alteration in service conditions of the applicant workman to prejudice during the pendency of the Industrial Dispute before the appropriate Government. Accordingly, it has been prayed that holding the Registrar of Dr. Hari Singh Gaur Vishwavidyalaya having committed violation of Section 33A of the Act, his prosecution be initiated accordingly.

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3. In its reply, the Management has taken a case that certain persons were engaged through out-sourcing by the Management of the University, in accordance with the exigency of work. The applicant workman is also one of them. He was not engaged against any vacant and sanctioned post following any recruitment process, rather his engagement was on contract basis directly by the concerned Department. The Tenure of this workman has been extended from time to time, either for 59 days or 89 days . The University took a decision in August-2017 not to extend the engagement of any such workmen beyond 30-8-2017 and a letter was circulated to every Department by the Registrar. Vide letter of Registrar dated 22-8-2017, the Heads of the Department have been intimated to take work only from employees engaged on contract basis directly by the concerned department only upto 29-8-2017 and not beyond that . Thereafter, an another order was issued on 25-10-2017 directing all the Heads of the Department against recommendation of extension of any employee engaged on contract basis directly by the Department. Thus according to the Management, it took a conscious policy decision to disengage workmen in the month of August-2017 itself. The dispute was raised by the workman only on 11-10-2017, hence there is no violation of Section 33A of the Act. Affidavit has been filed in support.

4. The Workman Union has filed affidavit of the applicant workman as his examination in chief. He has reiterated his case as mentioned above in the petition. The workman Union has further filed as many as nine photocopy documents which are application dated 11-10-2017 filed before the Assistant Labour Commissioner(C) raising the dispute. Notice dated 18-10-2017 sent by Assistant Labour Commissioner to Management in response of the petition before the Assistant Labour Commissioner, the application along with a list filed by the Workman Union before Assistant Labour Commissioner, application by workman Union before Registrar filed on 26-10-2017 informing him that the workman Union has raised a dispute before Assistant Labour Commissioner and a notice to the dispute has been served on the University on 20-10-2017, hence any alteration in service condition of the workman is in violation of Section 33A of the Act. It is also stated that the workmen are not outsourced employees , rather they have been directly appointed by the respective departments, Petition under Section 33 and 33A of the Act filed on 17-11-2017 before Assistant Labour Commissioner , failure of conciliation report dated 18-5-2018, Notesheet for payment till 31-10-2017 to the applicant workman and 16 other co-workmen.

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6. The Management has not filed affidavit of any of its witness.

7. I have heard arguments of Mr. Uttam Maheshwari, learned counsel for the workmen and Shri Rahul Tripathi for the Management.

8. Before entering into any discussion, Section 33A of the Act requires to reproduced and is being reproduced as follows:-

33A. Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings.—Where an employer contravenes the provisions of section 33 during the pendency of proceedings 5[before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal], any employee aggrieved by such contravention, may make a complaint in writing,5[in the prescribed manner,—

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.

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9. The Petition stands disposed of accordingly.

10. Let a copy of this order be sent to the appropriate Government.

P. K. SRIVASTAVA, Presiding Officer

DATE: 9-11-2022.

नई दिल्ली, 27 जनवरी, 2023

का.आ. 132.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलसचिव, डॉ हरि सिंह गौर विश्वविद्यालय, (केन्द्रीय विश्वविद्यालय) सागर (म.प्र.) के प्रबंधन के संबद्ध नियोजकों और श्री विवेक सेन, द्वारा महासचिव, विश्वविद्यालय कामगार यूनियन, सागर-(म.प्र.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट (संदर्भ सं. CGIT/LC/A/15/2019) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 13/01/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-41-आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 27th January, 2023

S.O. 132.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/A/15/2019) of the Central Government Industrial Tribunal cum Labour-Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Registrar, Dr. Hari Singh Gaur vishwavidyalaya, (Central University) Sagar- (M.P.) and Shri Vivek Sen, through The General Secretary, Vishwavidyalaya Kamgar Union, Sagar-(M.P.), which was received along with soft copy of the award by the Central Government on 13/01/2023.

[No. L-42025/07/2023-41- IR (DU)]

D.K. HIMANSHU, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM -LABOUR COURT,****JABALPUR****NO. CGIT/LC/A/15/2019****Present:** P. K. SRIVASTAVA, H.J.S..(Retd)

Shri Shiv Prasad Raikwar
General Secretary
Vishwavidyalaya Kamgar Union
Padmakar School Gate
Namak Mandi, Katra Bazaar,
Sagar(M.P.)

Representing: Vivek Sen**...Applicant****Versus**

Mr. Rakesh Mohan Joshi,
Registrar,
Dr. Hari Singh Gaur vishwavidyalaya,
(Central University)
Sagar(M.P.)470003.

....Respondent**ORDER****(Passed on this 9th day of November-2022)**

1. The Workman Union through its Secretary has filed this petition under Section 33(A) of the Industrial Disputes Act, hereinafter referred to by the word "Act", with a case that the applicant Union approached this Tribunal by way of reference dated 13-11-2018 referred for adjudication before this Tribunal as to whether the workman is entitled for classification and regarding the validity of order of is termination dated 25-10-2017. The workman union raised a dispute vide application dated 11-10-2017 being aggrieved by the unfair labour practice adopted by the Management. Notice was sent by Conciliation Officer on the dispute to the Management and was served on Management accordingly. It is further the case of the Workman Union that after service of notice by concerned Assistant Labour Commissioner, the Management issued a termination letter to all of its Head of the Department and directed that employees discharging duties on out sourcing basis be terminated forthwith. The applicant workman who was discharging his duties on daily wage basis was also terminated by the Management. According to the Workman Union, the retrenchment and termination of the services of the workman w.e.f. 25-10-2017 is in violation of Principles of Natural Justice as well as Section 33 A of the Act because it is alteration in service conditions of the applicant workman to prejudice during the pendency of the Industrial Dispute before the appropriate Government. Accordingly, it has been prayed that holding the Registrar of Dr. Hari Singh Gaur Vishwavidyalaya having committed violation of Section 33A of the Act, his prosecution be initiated accordingly.

2. Affidavit has been filed in support.

3. In its reply, the Management has taken a case that certain persons were engaged through out-sourcing by the Management of the University, in accordance with the exigency of work. The applicant workman is also one of them. He was not engaged against any vacant and sanctioned post following any recruitment process,

rather his engagement was on contract basis directly by the concerned Department. The Tenure of this workman has been extended from time to time, either for 59 days or 89 days . The University took a decision in August-2017 not to extend the engagement of any such workmen beyond 30-8-2017 and a letter was circulated to every Department by the Registrar. Vide letter of Registrar dated 22-8-2017, the Heads of the Department have been intimated to take work only from employees engaged on contract basis directly by the concerned department only upto 29-8-2017 and not beyond that . Thereafter, an another order was issued on 25-10-2017 directing all the Heads of the Department against recommendation of extension of any employee engaged on contract basis directly by the Department. Thus according to the Management, it took a conscious policy decision to disengage workmen in the month of August-2017 itself. The dispute was raised by the workman only on 11-10-2017, hence there is no violation of Section 33A of the Act. Affidavit has been filed in support.

4. The Workman Union has filed affidavit of the applicant workman as his examination in chief. He has reiterated his case as mentioned above in the petition. The workman Union has further filed as many as nine photocopy documents which are application dated 11-10-2017 filed before the Assistant Labour Commissioner(C) raising the dispute. Notice dated 18-10-2017 sent by Assistant Labour Commissioner to Management in response of the petition before the Assistant Labour Commissioner, the application along with a list filed by the Workman Union before Assistant Labour Commissioner, application by workman Union before Registrar filed on 26-10-2017 informing him that the workman Union has raised a dispute before Assistant Labour Commissioner and a notice to the dispute has been served on the University on 20-10-2017, hence any alteration in service condition of the workman is in violation of Section 33A of the Act. It is also stated that the workmen are not outsourced employees , rather they have been directly appointed by the respective departments. Petition under Section 33 and 33A of the Act filed on 17-11-2017 before Assistant Labour Commissioner , failure of conciliation report dated 18-5-2018, Notesheet for payment till 31-10-2017 to the applicant workman and 16 other co-workmen.

5. The Workman Union has further filed as many as 21 RTI documents regarding proof of direct payment to the workman from the University and also showing that notice of dispute was served on University only on 20-10-2017.

6. The Management has not filed affidavit of any of its witness.

7. I have heard arguments of Mr. Uttam Maheshwari, learned counsel for the workmen and Shri Rahul Tripathi for the Management.

8. Before entering into any discussion, Section 33A of the Act requires to reproduced and is being reproduced as follows:-

33A. Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings.—Where an employer contravenes the provisions of section 33 during the pendency of proceedings 5[before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal], any employee aggrieved by such contravention, may make a complaint in writing,5[in the prescribed manner,—

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.

9. The facts are almost undisputed in the case in hand. According to the workmen Union, when they raised a dispute before the Assistant Labour Commissioner , they came to know that their services might be terminated against law. The Assistant Labour Commissioner sent notice with respect to dispute which was admittedly served on 20-10-2017. This fact is supported from the RTI documents also filed on record. Te services were terminated from 25-10-2017 is also not disputed. The arguments of learned counsel for the Management is that a policy decision regarding not extending the services of outsourced employees was taken on 30-8-2017 and 20-9-2017 itself which was before the date of raising dispute before the Assistant Labour Commissioner. Learned Counsel for workmen Union has submitted that the decision was with respect to outsourced employees in the case in hand. The applicant workmen are employees appointed by the University through its department itself and not kept on outsourced. Hence, that decision had no relation with termination of service of the applicant workman. The RTI documents amply show that the payments were made to the workmen directly by the University and not through outsourced agency. The Management has no where disclosed as to through which outsourced agency the applicant workmen were engaged. This non-disclosure bares significance in the light of the fact that case of the workmen Union is that the applicant workmen are daily wage/muster roll employees appointed by the University through its department and there is

uncontroverted affidavit in support corroborated by RTI documents. Hence, the aforesaid arguments of the learned counsel for the Management is held without any merit from the evidence on record. It is established that the services of the applicant workman whose cases has been espoused by the Workman Union were terminated during the pendency of Industrial Dispute before Competent Authority which is in violation of Section 33A of the Act.

10. The Petition stands disposed of accordingly.

11. Let a copy of this order be sent to the appropriate Government.

P. K. SRIVASTAVA, Presiding Officer

DATE: 9-11-2022.

नई दिल्ली, 27 जनवरी, 2023

का.आ. 133.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलसचिव, डॉ हरि सिंह गौर विश्वविद्यालय, (केन्द्रीय विश्वविद्यालय) सागर (म.प्र.) के प्रबंधन के संबद्ध नियोजकों और श्री रवि पटेल, द्वारा महासचिव, विश्वविद्यालय कामगार यूनियन, सागर-(म.प्र.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. CGIT/LC/A/18/2019) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 13/01/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-42- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 27th January, 2023

S.O. 133.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/A/18/2019) of the Central Government Industrial Tribunal cum Labour-Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Registrar, Dr.Hari Singh Gaur vishwavidyalaya, (Central University) Sagar- (M.P.) and Shri Ravi Patel, through The General Secretary, Vishwavidyalaya Kamgar Union,Sagar - (M.P.), which was received along with soft copy of the award by the Central Government on 13/01/2023.

[No. L-42025/07/2023-42-IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,

JABALPUR

NO. CGIT/LC/A/18/2019

Present: P.K.SRIVASTAVA, H.J.S..(Retd)

Shri Shiv Prasad Raikwar
General Secretary
Vishwavidyalaya Kamgar Union
Padmakar School Gate
Namak Mandi, Katra Bazaar,
Sagar(M.P.)

Representing:Ravi Patel

...Applicant

Versus

Mr.Rakesh Mohan Joshi,
Registrar,
Dr. Hari Singh Gaur vishwavidyalaya,
(Central University)
Sagar(M.P.)470003.

....Respondent

ORDER**(Passed on this 9th day of November-2022)**

1. The Workman Union through its Secretary has filed this petition under Section 33(A) of the Industrial Disputes Act, hereinafter referred to by the word "Act", with a case that the applicant Union approached this Tribunal by way of reference dated 13-11-2018 referred for adjudication before this Tribunal as to whether the workman is entitled for classification and regarding the validity of order of his termination dated 25-10-2017. The workman union raised a dispute vide application dated 11-10-2017 being aggrieved by the unfair labour practice adopted by the Management. Notice was sent by Conciliation Officer on the dispute to the Management and was served on Management accordingly. It is further the case of the Workman Union that after service of notice by concerned Assistant Labour Commissioner, the Management issued a termination letter to all of its Head of the Department and directed that employees discharging duties on out sourcing basis be terminated forthwith. The applicant workman who was discharging his duties on daily wage basis was also terminated by the Management. According to the Workman Union, the retrenchment and termination of the services of the workman w.e.f. 25-10-2017 is in violation of Principles of Natural Justice as well as Section 33 A of the Act because it is alteration in service conditions of the applicant workman to prejudice during the pendency of the Industrial Dispute before the appropriate Government. Accordingly, it has been prayed that holding the Registrar of Dr. Hari Singh Gaur Vishwavidyalaya having committed violation of Section 33A of the Act, his prosecution be initiated accordingly.
2. Affidavit has been filed in support.
3. In its reply, the Management has taken a case that certain persons were engaged through out-sourcing by the Management of the University, in accordance with the exigency of work. The applicant workman is also one of them. He was not engaged against any vacant and sanctioned post following any recruitment process, rather his engagement was on contract basis directly by the concerned Department. The Tenure of this workman has been extended from time to time, either for 59 days or 89 days. The University took a decision in August-2017 not to extend the engagement of any such workmen beyond 30-8-2017 and a letter was circulated to every Department by the Registrar. Vide letter of Registrar dated 22-8-2017, the Heads of the Department have been intimated to take work only from employees engaged on contract basis directly by the concerned department only upto 29-8-2017 and not beyond that. Thereafter, another order was issued on 25-10-2017 directing all the Heads of the Department against recommendation of extension of any employee engaged on contract basis directly by the Department. Thus according to the Management, it took a conscious policy decision to disengage workmen in the month of August-2017 itself. The dispute was raised by the workman only on 11-10-2017, hence there is no violation of Section 33A of the Act. Affidavit has been filed in support.
4. The Workman Union has filed affidavit of the applicant workman as his examination in chief. He has reiterated his case as mentioned above in the petition. The workman Union has further filed as many as nine photocopy documents which are application dated 11-10-2017 filed before the Assistant Labour Commissioner(C) raising the dispute. Notice dated 18-10-2017 sent by Assistant Labour Commissioner to Management in response of the petition before the Assistant Labour Commissioner, the application along with a list filed by the Workman Union before Assistant Labour Commissioner, application by workman Union before Registrar filed on 26-10-2017 informing him that the workman Union has raised a dispute before Assistant Labour Commissioner and a notice to the dispute has been served on the University on 20-10-2017, hence any alteration in service condition of the workman is in violation of Section 33A of the Act. It is also stated that the workmen are not outsourced employees, rather they have been directly appointed by the respective departments, Petition under Section 33 and 33A of the Act filed on 17-11-2017 before Assistant Labour Commissioner, failure of conciliation report dated 18-5-2018, Notesheet for payment till 31-10-2017 to the applicant workman and 16 other co-workmen.
5. The Workman Union has further filed as many as 21 RTI documents regarding proof of direct payment to the workman from the University and also showing that notice of dispute was served on University only on 20-10-2017.
6. The Management has not filed affidavit of any of its witness.
7. I have heard arguments of Mr. Uttam Maheshwari, learned counsel for the workmen and Shri Rahul Tripathi for the Management.
8. Before entering into any discussion, Section 33A of the Act requires to reproduced and is being reproduced as follows:-

33A. Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings.—Where an employer contravenes the provisions of section 33 during the pendency of proceedings 5[before a conciliation officer, Board, an

arbitrator, a Labour Court, Tribunal or National Tribunal], any employee aggrieved by such contravention, may make a complaint in writing,5[in the prescribed manner,—

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.

9. The facts are almost undisputed in the case in hand. According to the workmen Union, when they raised a dispute before the Assistant Labour Commissioner, they came to know that their services might be terminated against law. The Assistant Labour Commissioner sent notice with respect to dispute which was admittedly served on 20-10-2017. This fact is supported from the RTI documents also filed on record. The services were terminated from 25-10-2017 is also not disputed. The arguments of learned counsel for the Management is that a policy decision regarding not extending the services of outsourced employees was taken on 30-8-2017 and 20-9-2017 itself which was before the date of raising dispute before the Assistant Labour Commissioner. Learned Counsel for workmen Union has submitted that the decision was with respect to outsourced employees in the case in hand. The applicant workmen are employees appointed by the University through its department itself and not kept on outsourced. Hence, that decision had no relation with termination of service of the applicant workman. The RTI documents amply show that the payments were made to the workmen directly by the University and not through outsourced agency. The Management has nowhere disclosed as to through which outsourced agency the applicant workmen were engaged. This non-disclosure bares significance in the light of the fact that case of the workmen Union is that the applicant workmen are daily wage/muster roll employees appointed by the University through its department and there is uncontroverted affidavit in support corroborated by RTI documents. Hence, the aforesaid arguments of the learned counsel for the Management is held without any merit from the evidence on record. It is established that the services of the applicant workman whose cases have been espoused by the Workman Union were terminated during the pendency of Industrial Dispute before Competent Authority which is in violation of Section 33A of the Act.

10. The Petition stands disposed of accordingly.

11. Let a copy of this order be sent to the appropriate Government.

P. K. SRIVASTAVA, Presiding Officer

DATE: 9-11-2022.

नई दिल्ली, 27 जनवरी, 2023

का.आ. 134.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलसचिव, डॉ हरि सिंह गौर विश्वविद्यालय, (केन्द्रीय विश्वविद्यालय) सागर (म.प्र.) के प्रबंधन के संबद्ध नियोजकों और श्री अमृत नाहरिया, द्वारा महासचिव, विश्वविद्यालय कामगार यूनियन, सागर-(म.प्र.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. CGIT/LC/A/10/2019) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 13/01/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-36- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 27th January, 2023

S.O. 134.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/A/10/2019) of the Central Government Industrial Tribunal cum Labour-Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Registrar, Dr. Hari Singh Gaur vishwavidyalaya, (Central University) Sagar- (M.P.) and Shri Amrit Nahariya, through The General Secretary, Vishwavidyalaya Kamgar Union, Sagar -(M.P.), which was received along with soft copy of the award by the Central Government on 13/01/2023.

[No. L-42025/07/2023-36- IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM -LABOUR COURT,
JABALPUR
NO. CGIT/LC/A/10/2019

Present: P. K.SRIVASTAVA, H.J.S..(Retd)

Shri Shiv Prasad Raikwar
General Secretary
Vishwavidyalaya Kamgar Union
Padmakar School Gate
Namak Mandi,Katra Bazaar,
Sagar(M.P.)

Representing:amrit Nahariya

...Applicant

Versus

Mr. Rakesh Mohan Joshi,
Registrar,
Dr. Hari Singh Gaur vishwavidyalaya,
(Central University)
Sagar(M.P.)470003.

...Respondent

ORDER

(Passed on this 9th day of November-2022)

1. The Workman Union through its Secretary has filed this petition under Section 33(A) of the Industrial Disputes Act, hereinafter referred to by the word "Act", with a case that the applicant Union approached this Tribunal by way of reference dated 13-11-2018 referred for adjudication before this Tribunal as to whether the workman is entitled for classification and regarding the validity of order of is termination dated 25-10-2017. The workman union raised a dispute vide application dated 11-10-2017 being aggrieved by the unfair labour practice adopted by the Management. Notice was sent by Conciliation Officer on the dispute to the Management and was served on Management accordingly. It is further the case of the Workman Union that after service of notice by concerned Assistant Labour Commissioner, the Management issued a termination letter to all of its Head of the Department and directed that employees discharging duties on out sourcing basis be terminated forthwith. The applicant workman who was discharging his duties on daily wage basis was also terminated by the Management. According to the Workman Union, the retrenchment and termination of the services of the workman w.e.f. 25-10-2017 is in violation of Principles of Natural Justice as well as Section 33 A of the Act because it is alteration in service conditions of the applicant workman to prejudice during the pendency of the Industrial Dispute before the appropriate Government. Accordingly, it has been prayed that holding the Registrar of Dr. Hari Singh Gaur Vishwavidyalaya having committed violation of Section 33A of the Act, his prosecution be initiated accordingly.

2. Affidavit has been filed in support.

3. In its reply, the Management has taken a case that certain persons were engaged through out-sourcing by the Management of the University, in accordance with the exigency of work. The applicant workman is also one of them. He was not engaged against any vacant and sanctioned post following any recruitment process, rather his engagement was on contract basis directly by the concerned Department. The Tenure of this workman has been extended from time to time, either for 59 days or 89 days . The University took a decision in August-2017 not to extend the engagement of any such workmen beyond 30-8-2017 and a letter was circulated to every Department by the Registrar. Vide letter of Registrar dated 22-8-2017, the Heads of the Department have been intimated to take work only from employees engaged on contract basis directly by the concerned department only upto 29-8-2017 and not beyond that . Thereafter, an another order was issued on 25-10-2017 directing all the Heads of the Department against recommendation of extension of any employee engaged on contract basis directly by the Department. Thus according to the Management, it took a conscious policy decision to disengage workmen in the month of August-2017 itself. The dispute was raised by the workman only on 11-10-2017, hence there is no violation of Section 33A of the Act. Affidavit has been filed in support.

4. The Workman Union has filed affidavit of the applicant workman as his examination in chief. He has reiterated his case as mentioned above in the petition. The workman Union has further filed as many as nine photocopy documents which are application dated 11-10-2017 filed before the Assistant Labour

Commissioner(C) raising the dispute. Notice dated 18-10-2017 sent by Assistant Labour Commissioner to Management in response of the petition before the Assistant Labour Commissioner, the application along with a list filed by the Workman Union before Assistant Labour Commissioner, application by workman Union before Registrar filed on 26-10-2017 informing him that the workman Union has raised a dispute before Assistant Labour Commissioner and a notice to the dispute has been served on the University on 20-10-2017, hence any alteration in service condition of the workman is in violation of Section 33A of the Act. It is also stated that the workmen are not outsourced employees , rather they have been directly appointed by the respective departments, Petition under Section 33 and 33A of the Act filed on 17-11-2017 before Assistant Labour Commissioner , failure of conciliation report dated 18-5-2018, Notesheet for payment till 31-10-2017 to the applicant workman and 16 other co-workmen.

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6. The Management has not filed affidavit of any of its witness.

7. I have heard arguments of Mr. Uttam Maheshwari, learned counsel for the workmen and Shri Rahul Tripathi for the Management.

8. Before entering into any discussion, Section 33A of the Act requires to reproduced and is being reproduced as follows:-

33A. Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings.—Where an employer contravenes the provisions of section 33 during the pendency of proceedings 5[before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal], any employee aggrieved by such contravention, may make a complaint in writing,5[in the prescribed manner,—

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.

9. The facts are almost undisputed in the case in hand. According to the workmen Union, when they raised a dispute before the Assistant Labour Commissioner , they came to know that their services might be terminated against law. The Assistant Labour Commissioner sent notice with respect to dispute which was admittedly served on 20-10-2017. This fact is supported from the RTI documents also filed on record. Te services were terminated from 25-10-2017 is also not disputed. The arguments of learned counsel for the Management is that a policy decision regarding not extending the services of outsourced employees was taken on 30-8-2017 and 20-9-2017 itself which was before the date of raising dispute before the Assistant Labour Commissioner. Learned Counsel for workmen Union has submitted that the decision was with respect to outsourced employees in the case in hand. The applicant workmen are employees appointed by the University through its department itself and not kept on outsourced. Hence, that decision had no relation with termination of service of the applicant workman. The RTI documents amply show that the payments were made to the workmen directly by the University and not through outsourced agency. The Management has no where disclosed as to through which outsourced agency the applicant workmen were engaged. This non-disclosure bares significance in the light of the fact that case of the workmen Union is that the applicant workmen are daily wage/muster roll employees appointed by the University through its department and there is uncontroverted affidavit in support corroborated by RTI documents. Hence, the aforesaid arguments of the learned counsel for the Management is held without any merit from the evidence on record. It is established that the services of the applicant workman whose cases has been espoused by the Workman Union were terminated during the pendency of Industrial Dispute before Competent Authority which is in violation of Section 33A of the Act.

10. The Petition stands disposed of accordingly.

11. Let a copy of this order be sent to the appropriate Government.

P. K. SRIVASTAVA, Presiding Officer

DATE: 9-11-2022

नई दिल्ली, 27 जनवरी, 2023

का.आ. 135.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलसचिव, डॉ हरि सिंह गौर विश्वविद्यालय, (केन्द्रीय विश्वविद्यालय) सागर (म.प्र.) के प्रबंधन के संबद्ध नियोजकों और श्री संदीप तिवारी, द्वारा महासचिव, विश्वविद्यालय कामगार यूनियन, सागर-(म.प्र.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. CGIT/LC/A/4/2019) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 13/01/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-30- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 27th January, 2023

S.O. 135.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/A/4/2019) of the Central Government Industrial Tribunal cum Labour-Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Registrar, Dr. Hari Singh Gaur vishwavidyalaya, (Central University) Sagar- (M.P.) and Shri Sandeep Tiwari, through The General Secretary, Vishwavidyalaya Kamgar Union, Sagar - (M.P.), which was received along with soft copy of the award by the Central Government on 13/01/2023.

[No. L-42025/07/2023-30- IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,

JABALPUR

No. CGIT/LC/A/4/2019

Present: P.K.SRIVASTAVA, H.J.S..(Retd)

Shri Shiv Prasad Raikwar
General Secretary
Vishwavidyalaya Kamgar Union
Padmakar School Gate
Namak Mandi, Katra Bazaar,
Sagar(M.P.)

Representing:Sandeep Tiwari

...Applicant

Versus

Mr. Rakesh Mohan Joshi,
Registrar,
Dr. Hari Singh Gaur vishwavidyalaya,
(Central University)
Sagar (M.P.) 470003.

Respondent

ORDER

(Passed on this 9th day of November-2022)

1. The Workman Union through its Secretary has filed this petition under Section 33(A) of the Industrial Disputes Act, hereinafter referred to by the word "Act", with a case that the applicant Union approached this Tribunal by way of reference dated 13-11-2018 referred for adjudication before this Tribunal as to whether the workman is entitled for classification and regarding the validity of order of is termination dated 25-10-2017. The workman union raised a dispute vide application dated 11-10-2017 being aggrieved by the unfair labour practice adopted by the Management. Notice was sent by Conciliation Officer on the dispute to the Management and was served on Management accordingly. It is further the case of the Workman Union that after service of notice by concerned Assistant Labour Commissioner, the Management issued a termination letter to all of its Head of the Department and directed that employees discharging duties on out sourcing basis be terminated forthwith. The applicant workman who was discharging his duties on daily wage basis was also terminated by the Management. According to the Workman Union, the retrenchment and termination of the services of the workman w.e.f. 25-10-2017 is in violation of Principles of Natural Justice as well as Section 33 A of the Act because it is alteration in service conditions of the applicant workman to prejudice during the

pendency of the Industrial Dispute before the appropriate Government. Accordingly, it has been prayed that holding the Registrar of Dr. Hari Singh Gaur Vishwavidyalaya having committed violation of Section 33A of the Act, his prosecution be initiated accordingly.

2. Affidavit has been filed in support.

3. In its reply, the Management has taken a case that certain persons were engaged through out-sourcing by the Management of the University, in accordance with the exigency of work. The applicant workman is also one of them. He was not engaged against any vacant and sanctioned post following any recruitment process, rather his engagement was on contract basis directly by the concerned Department. The Tenure of this workman has been extended from time to time, either for 59 days or 89 days. The University took a decision in August-2017 not to extend the engagement of any such workmen beyond 30-8-2017 and a letter was circulated to every Department by the Registrar. Vide letter of Registrar dated 22-8-2017, the Heads of the Department have been intimated to take work only from employees engaged on contract basis directly by the concerned department only upto 29-8-2017 and not beyond that. Thereafter, another order was issued on 25-10-2017 directing all the Heads of the Department against recommendation of extension of any employee engaged on contract basis directly by the Department. Thus according to the Management, it took a conscious policy decision to disengage workmen in the month of August-2017 itself. The dispute was raised by the workman only on 11-10-2017, hence there is no violation of Section 33A of the Act. Affidavit has been filed in support

4. The Workman Union has filed affidavit of the applicant workman as his examination in chief. He has reiterated his case as mentioned above in the petition. The workman Union has further filed as many as nine photocopy documents which are application dated 11-10-2017 filed before the Assistant Labour Commissioner(C) raising the dispute. Notice dated 18-10-2017 sent by Assistant Labour Commissioner to Management in response of the petition before the Assistant Labour Commissioner, the application along with a list filed by the Workman Union before Assistant Labour Commissioner, application by workman Union before Registrar filed on 26-10-2017 informing him that the workman Union has raised a dispute before Assistant Labour Commissioner and a notice to the dispute has been served on the University on 20-10-2017, hence any alteration in service condition of the workman is in violation of Section 33A of the Act. It is also stated that the workmen are not outsourced employees, rather they have been directly appointed by the respective departments. Petition under Section 33 and 33A of the Act filed on 17-11-2017 before Assistant Labour Commissioner, failure of conciliation report dated 18-5-2018, Notesheet for payment till 31-10-2017 to the applicant workman and 16 other co-workmen.

5. The Workman Union has further filed as many as 21 RTI documents regarding proof of direct payment to the workman from the University and also showing that notice of dispute was served on University only on 20-10-2017.

6. The Management has not filed affidavit of any of its witness.

7. I have heard arguments of Mr. Uttam Maheshwari, learned counsel for the workmen and Shri Rahul Tripathi for the Management.

8. Before entering into any discussion, Section 33A of the Act requires to be reproduced and is being reproduced as follows:-

33A. Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings.—Where an employer contravenes the provisions of section 33 during the pendency of proceedings 5[before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal], any employee aggrieved by such contravention, may make a complaint in writing,5[in the prescribed manner,—

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.

9. The facts are almost undisputed in the case in hand. According to the workmen Union, when they raised a dispute before the Assistant Labour Commissioner, they came to know that their services might be terminated against law. The Assistant Labour Commissioner sent notice with respect to dispute which was admittedly served on 20-10-2017. This fact is supported from the RTI documents also filed on record. The services were terminated from 25-10-2017 is also not disputed. The arguments of learned counsel for the Management is that a policy decision regarding not extending the services of outsourced employees was taken

on 30-8-2017 and 20-9-2017 itself which was before the date of raising dispute before the Assistant Labour Commissioner. Learned Counsel for workmen Union has submitted that the decision was with respect to outsourced employees in the case in hand. The applicant workmen are employees appointed by the University through its department itself and not kept on outsourced. Hence, that decision had no relation with termination of service of the applicant workman. The RTI documents amply show that the payments were made to the workmen directly by the University and not through outsourced agency. The Management has nowhere disclosed as to through which outsourced agency the applicant workmen were engaged. This non-disclosure bears significance in the light of the fact that case of the workmen Union is that the applicant workmen are daily wage/muster roll employees appointed by the University through its department and there is uncontroverted affidavit in support corroborated by RTI documents. Hence, the aforesaid arguments of the learned counsel for the Management is held without any merit from the evidence on record. It is established that the services of the applicant workman whose cases have been espoused by the Workman Union were terminated during the pendency of Industrial Dispute before Competent Authority which is in violation of Section 33A of the Act.

10. The Petition stands disposed of accordingly.

11. Let a copy of this order be sent to the appropriate Government.

P. K. SRIVASTAVA, Presiding Officer

DATE: 9-11-2022

नई दिल्ली, 6 फरवरी, 2023

का.आ. 136.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इ.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 40/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.01.2023 को प्राप्त हुआ था।

[सं. एल-20012/89/2009-आईआर(सी.एम-1)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 6th February, 2023

S.O. 136.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 40/2010) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the Management of E.C.L. and their workmen, received by the Central Government on 10/01/2023

[No. L-20012/89/2009-IR(CM-I)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

Reference: No. 40/2010

Employer in relation to the management of Mugma Area of M/s. ECL.

AND

Their workman

Present: Shri DINESH KUMAR SINGH

Presiding Officer.

Appearances:

For Employer :- Sri D.K. Verma, Advocate

For workman :- Sri K.Chakraborty, Advocate

State : Jharkhand.

Industry:- Coal

Dated 28/09/2022

AWARD

By Order No.L-20012/89/2009 (IR(CM-I)) dated 24.06.2010, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of management of Shyampur ‘A’ Colliery of M/s ECL in dismissing Sri Badri Pandey from the services of the company w.e.f. 22.4.1996 is legal and justified? To what relief is the claimant entitled for?”

2. The Tribunal in this matter has passed an award on 16/09/2013 and held as follows:- “Considering the facts and circumstances of this case, hold that the action of the management of Shyampur ‘A’ Colliery of M/s. ECL in dismissing Sri Badri Pandey from the services of the company w.e.f. 22.4.1996 is not legal and justified. Hence the workman be reinstated in service with 25% (twenty five percent) back wages. Implementation or non implementation of the award be intimated to the undersigned.”

3. The management of P.B. Area of M/s. BCCL being aggrieved by the said award filed a writ petition bearing WP(L) No. 2859 of 2014 before the Hon’ble High Court of Jharkhand at Ranchi. The Hon’ble High Court of Jharkhand at Ranchi has been pleased to observe as follows:- “It is trite that the reasoned order is sine-qua-non in the rule of law. Any unreasoned order is not acceptable in the rule of law. In view of above fact and judicial pronouncement, the impugned award dated 16.09.2013 is hereby, quashed.

However the matter is remitted back to the Central Government Industrial Tribunal No.1, Dhanbad for taking a fresh decision, after hearing both the sides. The entire exercise must be completed within six months from the date of receipt/production of a copy of this order. The parties are directed to co-operate with the Tribunal.”

4. After production of the order of Hon’ble High Court of Jharkhand at Ranchi passed in WP(L) No. 2859 of 2014 on 04/09.07.2019 sufficient opportunities were given to both the parties and both the parties were heard at length again.

5. The claim of the concerned workman as per his written statement is as follows:-

That he was working as permanent Pit Clerk in Shampur ‘A’ Colliery since long but the management was biased and prejudiced against him for ventilating the grievance of the workman. The management in order to victimise him issued a false and frivolous charge sheet-cum-suspension order on 29/12/1995 for allegedly assaulting Sri L.N. Singh, General Manager. He had submitted reply to the charge-sheet denying the charges. In the meantime a criminal case was also registered but the management without holding any enquiry arbitrarily dismissed him. After that he had challenged the order of dismissal before the Hon’ble Calcutta High Court and the Hon’ble Calcutta High Court has been pleased to set aside the dismissal order and directed the management to pay arrear salary and to conduct proper enquiry if the management so like. Subsequently the management conducted a formalities of enquiry and again dismissed him from the service. After that he had again challenged the matter before the Hon’ble High Court but the Hon’ble High Court directed him to raise the issue before the appropriate authority. In the meantime he was acquitted of the criminal case and he had submitted the relevant documents before the Enquiry Officer but the same were not considered. In the enquiry proceeding the finding of the Enquiry Officer was that the charges were not proved but even then the management dismissed him from the service w.e.f. 22/04/1996.

A prayer has been made to pass an Award in his favour.

6. On the other hand the case of the management as per its written statement is as follows:-

That the concerned workman along with others workman after making unlawful assembly on 15/09/1995 abused, threatened and assaulted the General Manager of Mugma Area of M/s ECL and subsequently management terminated the service of workman concerned vide order dated 18/09/1995. After that the concerned workman filed a writ petition before the Hon’ble High Court of Calcutta vide CO No. 19913 (W/95) and as per the order of the Hon’ble High Court the management reinstated the workman vide order dated 28/12/1995. The Hon’ble High Court in its order has been pleased to grant liberty to the management to take action against the concerned workman in accordance with law and consequently a charge-sheet was issued to the concerned workman on 29/12/1995 for commission of misconduct according to the clause 17(i) (r) and 17 (i) (t) of Certified Standing Order of the Company. The concerned workman had submitted his reply which was not found satisfactory and subsequently an Enquiry Officer was appointed for conducting domestic enquiry.

The domestic enquiry was conducted in the presence of the workman and the Enquiry Officer had submitted his report holding the concerned workman guilty of the charges. After that the disciplinary authority supplied the copy of enquiry report to the workman and subsequently issued second show cause notice. The concerned workman had submitted his explanation to second show cause notice which was not found satisfactory and the concerned workman was dismissed from the service. The enquiry conducted by the Enquiry Officer was fair and proper manner and full opportunity was given to the concerned workman to defend himself.

A prayer has been made to pass an Award in favour of the management.

The management by way of rejoinder has stated that the statement made in Para 1, 4, 5, 10 and 16 of the written statement of workman are matter of record, the statement made in Para 2, 3, 7, 8, 9, 11, 12, 13, 14, 15 and 17 of the written statement of workman are not correct, the statement made in Para 6 of the written statement of workman is not relevant.

7. The concerned workman has filed rejoinder to the written statement of management and has stated that the statement made in Para 1 of the written statement of management is illegal and denied, the statement made in Para 2, 9 to 14 of the written statement of management are false, motivated and denied, the statement made in Para 4 of the written statement of management it is submitted that the anti-labour management terminated the services of the concerned workman in utter violation of settled law of the land, the statement made in Para 5 of the written statement of management it is submitted that the illegal termination order being set aside by the Hon'ble High Court, the statement made in Para 6 of the written statement of management it is submitted that the High Court held that if the management so like can conduct enquiry afresh, the statement made in Para 8 of written statement of management it is submitted that though the reply submitted by the workman was satisfactory enough still then the management conducted enquiry by appointing a biased and prejudiced enquiry officer.

8. The concerned workman has neither examined any witnesses nor produced any documents in support of its case.

9. The management has also not examined any witness but has proved following documents which are marked as:-

Exhibit M-1- Office Copy of letter of appointment of Enquiry Officer dated 31/01/1996.

Exhibit M-2- Photo Copy of Charge-sheet dated 29/12/1995.

Exhibit M-3- Photo Copy of reply of Badri Pandey, Pit Clerk, Shampur colliery of Charge-sheet dated 29/12/1995.

Exhibit M-4- Original Copy of Enquiry Proceeding dated 08/02/1996 .

Exhibit M-5- Original Copy of Enquiry report of Sri Badri Pandey, Pit Clerk, Shyampur 'A' Colliery dated 22/03/1996.

Exhibit M-6- Original Copy of reply of Badri Pandey, Pit Clerk, dated 09/04/1996.

Exhibit M-7- Original Copy of Dismissal Order of Sri Badri Pandey, Pit Clerk issued by Director (Technical) ECL.

10. In course of proceeding before the Tribunal the concerned workman and the management has filed joint compromise petition mentioning therein that both the parties have amicably settled their dispute outside the court and entered into a settlement in Form 'H'. It has also been mentioned that the management has agreed to pay him 25% of back wages for the period from date of dismissal on 22/04/1996 to the date of superannuation on 30/09/2005. It has been further mentioned that the workman will be paid gratuity as per payment of Gratuity Act and he has been entitled for other retiral benefits. It has been further mentioned that the workman will not raise any further claim in future.

11. The management has submitted a calculation chart of the salary and other allowances of concerned workman namely Badri Pandey since 22/04/1996 to 30/09/2005 and this chart was signed by Deputy Manager, Gopinathpur Colliery/Shampur 'A' Colliery and Agent, Gopinathpur Colliery/Shampur 'A' Colliery. Further the management has also filed gratuity calculation chart in respect of the concerned workman mentioning payable gratuity amount payable as Rs. 2,75,567.16/- which has been signed by Deputy Manager, Gopinathpur Colliery/Shampur 'A' Colliery and Agent, Gopinathpur Colliery/Shampur 'A' Colliery.

12. Now, in this case both the parties have settled their dispute outside Tribunal and they don't want to contest this case. Moreover the concerned workman has agreed on payment of 25% of wages from the date of his dismissal to the date of his retirement. Further he has also agreed for payment of gratuity amount of Rs. 2,75,567.16/- .

13. It is relevant to mention here that in this case the concerned workman has been dismissed from service since 22/04/1996 and thereafter enquiry had been conducted against him by the management.

14. Now, the management has settled the dispute with the concerned workman and is not pressing the enquiry proceeding, so the order of dismissal of the concerned workman by the management on 22/04/1996 is set aside.

15. After considering all the facts and circumstances the action of the management of Shampur 'A' Colliery of M/s. E.C.Ltd in dismissing Sri Badri Pandey from service is not legal and justified.

In view of such fact the concerned workman is directed to be reinstated from the date of dismissal.

16. Since, the concerned has superannuated on 30/09/2005, so as per settlement the management is directed to pay 25% of back wages from 22/04/1996 to 30/09/2005 along with the agreed amount of the gratuity.

The compromise petition along with form 'H' and the calculation chart of wages and calculation chart of gratuity will be part of this Award.

This is the Award of this Tribunal

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 6 फरवरी, 2023

का.आ. 137.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ सं. 23/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.01.2023 को प्राप्त हुआ था।

[सं. एल-20012/07/2007-आईआर(सी.एम-1)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 6th February, 2023

S.O. 137.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 23/2007) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the Management of C.C.L. and their workmen, received by the Central Government on 10/01/2023

[No. L-20012/07/2007-IR(CM-I)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act. 1947.

Reference: No. 23/2007

Employer in relation to the management of Sirka Colliery of M/s. CCL

AND.

Their workman.

Present: Shri DINESH KUMAR SINGH, Presiding Officer

Appearances:

For Employer :- Sri D.K. Verma, Advocate.

For Workman :- Sri Mundrika Bhagat, Representative.

State : Jharkhand.

Industry:- Coal

Dated :- 29/09/2022

AWARD

By Order No.L-20012/07/2007-IR(CM-I) dated 13/17.04.2007 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the Management of Sirka Colliery of M/s CCL in not

providing dependent employment to Smt. Fulia Devi, w/o Late Sewa Mahato, ex- coal cutter, under the provisions of para 9.3.2. of NCWA –V is justified and legal? If not, to what relief is the dependent wife of the concerned deceased employee entitled?”

2. The reference is received on 01/05/2007 by this Tribunal in which the award 6/12/2013 is passed in favour of workman which is challenged by the management in WP (L) 120 of 2015. The Hon'ble High Court Ranchi has been pleased to set aside the award dated 06.12.2013 vide order dated 09/17.03.2021 and referred for re-adjudication after giving opportunity of hearing to the parties and following the procedure of law.

3. Sri Mundrika Bhagat, Central Organising Secretary Coalfield Mazdoor Union, Sirka appears and filed a withdrawal petition on 02.09.2022 stating their in that management has agreed to give monetary benefits to Smt Fulia Devi, and union has no objection, The Sponsoring Union has prayed for withdrawal of the dispute. Which is allowed.

4. Since the Sponsoring Union has made prayer for withdrawal of this reference case as the management has agreed to pay the monetary compensation to the workman so there dispute does not exist between the sponsoring Union and the management. Hence “No Claim” Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 6 फरवरी, 2023

का.आ. 138.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह - श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ सं. 103/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.01.2023 को प्राप्त हुआ था।

[सं. एल-20012/40/ 98-आईआर(सी -I)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 6th February, 2023

S.O. 138.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.103/1999) of the Central Government Industrial Tribunal-cum-Labour Court NO. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 27/01/2023.

[No. L-20012/40/98-IR(C-I)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2), AT DHANBAD

PRESENT:- Dr. S.K.THAKUR, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act., 1947

REFERENCE NO 103 of 1999.

PARTIES:

The Area Asst. Secretary,
Chanch UTC, Chirkunda, Dhanbad 826001,
Jharkhand - 828403

Vs.

The General Manager,

Area No. XII of BCCL,
PO-Chirkunda,, Dist-Dhanbad , -826001
Jharkhand

Order No. L-20012/40/98-IR(C-I) dt. 19.01.1999

APPEARANCES

On behalf of the workman/Union : : Mr. S.N.Sinha Ld. Advocate
On behalf of the Management : : Mr. S.N.Ghosh Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 21st November, 2022

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10 (1) (d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their **Order No. L-20012/40/98-IR(C-I) dt. 19.01.1999.**

SCHEDULE

“Whether the action of the management of C.V Area of BCCL in not providing employment to Sh Murai Munda, dependent son of Late Debu Munda as per clause 9.4.2. of NCWA is justified ? If not, to what relief is the workman entitled?”

1. This is a Reference bearing No. 103/99 received from the appropriate Government vide Ministry Order No. L- 20012/40/98-IR(C-I) dt.19.01.1999 to adjudicate whether the claimant Sh Murai Munda S/o of Late Debu Munda an employee of the C.V. Area of M/s BCCL, Dhanbad is entitled for providing employment as per clause 9.4.2. of the NCWA .If so what relief the workman is entitled to .When they could not redress their grievance claimant raised a dispute before the Labour Commissioner and conciliation was taken up .For the failure of the conciliation the appropriate government referred the matter to this Tribunal for adjudication .

2. The brief facts as stated under Written Statement of claim is that the claimant Sri Murai Munda is the eldest son of Late Debu Mudna U/G Loader ,Basantimata Colliery who was in employment of Bsantimaya Colliery since 1.7.1973 and he died on 10.12.1990 due to cardio failure in Colliery. Shri Murai Munda being the eldest son of Late Debu Munda (workman) applied for employment under provisions of National Coal Wages Act (NCWA) for employment on the ground that his father died in harness against a provision in BCCL to provide employment to dependent son under clauses 9.4.2 Of NCWA in substitute on the issue.

3. The Management also filed counter written statement denying the stand taken by the claimant. It has been pleaded that the Reference Order is vague and suffers from the total non-application of mind as the particulars of the person and details thereof are also lacking. A vague reference is no reference order and is rendered null and void on that account. The OP/Management counter stated that that as per Service Excerpt Sri Marai Munda was aged 9 in years only in the year 1987 when the said excerpt was made. Whereas in the manufactured S.L.C the date of birth is recorded as 5.02.1976.The different date of birth of the person concerned was claimed only to get employment to any how in the Organization.

4. The matter of proceeding was advanced on merits in spite of rejoinder by the parties and the claimant himself examined as W-I and the Management on their behalf also examined as MW-I apart from filing of a series of relevant papers inclusive of some exhibited documents in support of the respective contention by both rival parties under Reference. But it has been observed since 21.03.2012 the the claimant /Representation of the workman side abruptly stopped appearing in the proceedings and even after subsequent dates the workman or his representative did not turn up leaving the proceeding in halfway .Despite serving of repeated notices no heed was paid by the workman/Union. Every presumption lies in favour of the fact that the notices were served upon the claimant. The claimant opted to abstain away from the proceedings. Thus it is clear that the claimant is not interested in adjudication of the reference on merits.

5. Since the claimant finally stopped his appearance nor show sign of sincere effort on his part to the contest the case for furtherance for his cause against the Management. This Tribunal is left with no choice, except to pass a No Claim Award .Accordingly A No Claim Award is passed being devoid of merit in the Reference Case awarding no relief to the claimant.

Dr. S. K. THAKUR, Presiding Officer

नई दिल्ली, 6 फरवरी, 2023

का.आ. 139.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ सं. 18/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.01.2023 को प्राप्त हुआ था।

[सं. एल-20012/373/95-आईआर(सी -I)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 6th February, 2023

S.O. 139.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 18/1999) of the Central Government Industrial Tribunal-cum-Labour Court NO. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 27/01/2023.

[No. L-20012/373/95-IR(C-I)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD

Present : Dr. S.K.THAKUR, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act., 1947

REFERENCE NO 18 OF 1999.

PARTIES: : Mr. D. Mukherjee,
Secretary,
Bihar Colliery Mazdoor Sangh,
Jharnapara, Hirapur, Dhanbad

Vs.

The General Manager,
Sijua Area of M/s BCCL.
PO: Sijua, Dhanbad,
-826001

Order No. L-20012/373/95-IR(C-I) dt.07.01.1999

APPEARANCES :
On behalf of the workman/Union : None
On behalf of the Management : Mr. D.K.Verma, Ld. Advocate

State : Jhrkhand **Industry :**
Coal **Dated, Dhanbad, the 26th**
November, 2022

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their **Order No. L-20012/373/95-IR(C-I) dt.07.01.1999.**

SCHEDULE

“Whether the action of the Management of Mudidih Colliery of M/s BCCL in not referring to Gura Manjhi, Loader to the Medical Board for determination of his age and retiring him from service w.e.f. 29.09.1993 is justified keeping in view of the fact that the date of birth as appearing in the Form “B” register is different than as appearing in Identity card

and also for the reason that the workmen protested against the same? If not, to what relief the workman is entitled”

2 On receipt of the **Order No. L-20012/373/95-IR(C-I) dt.07.01.1999.** of the Reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, it was registered as Reference case No. 18 of 1999 on 18.01.1999 and accordingly an order to that effect was passed to issue notices through the Registered Post to the parties concerned, directing them to appear before the Tribunal on the date fixed and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Post were sent to the parties concerned.

3 The facts leading to the present dispute as narrated in written statement of claim by the Sponsoring Union are here under

- i) That, Sri Gura Manjhi had been working as M/Loader at Mudidh Colliery since long with unblemished record of service.
- ii) That Sri Gura Manjhi is an illiterate Adivasi workman and the management had taken advantage of his illiteracy, illegally and arbitrarily recorded his date of birth as 28.09.1933.
- iii) That at the time appointment his date of birth was recorded as 28.09.1943 in the Service Excerpt
- iv) That the same date of birth was also written in the Identity Card.
- v) That as per the Circular named I.I. 76 which mentions there is a clear provision to refer cases of age dispute to Medical Board where the documents regarding age in record vary one and other. As the case here where service excerpt and the Identity Card recorded his year of birth as 1943 but he was retired from service on 28.09.1993 though actually age of the Tribal workman would be even less than what would have been taken the year of birth 1943.
- vi) That there is glaring difference of age and in view of that fact the concerned workman represented before the Management several times for referring him to the medical Board for determination of his age
- vii) That it is most surprisingly enough that father, namely, Chotu Manjhi alias Nagda Manjhi of the concerned workman was also working under the Management of M/s BCCL but he was superannuated from service in the year 1995 two years later than superannuation of Gura Manjhi
- viii) That, the concerned workman represented before the Management against the illegal and arbitrary recording of date of birth the anti-labour Management did not take any cognizance of the same. On seeing no other alternative the concerned workman raised an Industrial Dispute, which resulted in failure conciliation and a reference by the Government of India for adjudication with following schedule
- ix) That the action of the Management of Mudidh Colliery of M/s BCCL in not referring Gura Manjhi, Loader to the Medical Board for determination of his age and retiring him from service w.e.f. 29.09.1993 is not justified.
- x) That the action of the management is illegal, arbitrary, unjustified and against the principle of natural justice and smacks of anti-labour policy of the Management
- xi) That the workman seek direction to the OP/Management to refer him to Apex Medical Board headed by Civil Surgeon to determine his actual age as per medical jurisprudence.

4. O.P/Management in their written statement stated the facts denying categorically all the points raised in the Written Statement of Claim

- i) Maintaining that the present reference not maintainable either in law or in facts.
- ii) That the workman concerned Sri Gura Manji was working as a M/Loader at Mudidh colliery of M/s BCCL as per Form-B Register is 28.09.1933.
- iii) That the OP/Management of Mudidh Colliery gave a notice on 06.03.1993 to the workman concerned that he will attain the age of 60 years on 27.09.1993 and accordingly he will retire from his service w.e.f. 28.09.1993.
- iv) That after receiving the aforesaid Notice, the workman concerned has not raised any objection. However, at the fag end, the Sponsoring Union raised an Industrial Dispute before the Asstt. Labour Commissioner (C), Dhanbad and filed their representation dt.30.08.1993 for correction of date of birth of the workman concerned or send him to the Apex Medical Board for determination of his age.

- v) That the Industrial Dispute raised by the Sponsoring Union at the fag end of the service period of the workman concerned, is not maintainable in the eye of law.
- vi) That the Management examined the Industrial Dispute raised by the Union and submitted their written comments before the ALC (C) Dhanbad stating therein that there is no discrepancy found in the Form-B Register and CMPF Record. Hence the question of sending him for his age assessment to the Apex Medical Board does not arise.
- vii) That the date of birth recorded in Form-B Register of the workman concerned is final for all purposes.
- viii) That there is no discrepancy was found in respect of his date of birth in Form-B Register as well as in C.M.P.F. record.
- ix) That the superannuation of the workman concerned is legal and justified
- x) That the workman concerned is not entitled for any relief.

4. In its rejoinder the OP/management categorically dismissed para 17 of the written statement of the workman to the effect that workman's father ,namely Chhotu Manjhi alias Nagda Manjhi was also working under the Management of M/s BCCL but he was superannuated from service in the year 1995 two years later than superannuation of Gura Majhi. And supported the stand taken by them is just and proper.

5 In course of evidence O/Management filed copy of the following documents :

- i) Attested copy of the From-B Register
- ii) Attested copy of the Form-B Register Jota colliery – 1 sheet
- iii) I.D. Card Register

6. In support of his claim the workman filed following listed documents as evidence

- i) Letter written to Shri A.K. Roy, Former M.P. by Dy. C.P.M., of Sijua Area of M/s BCCL dt. 10.06.2006 showing particulars of the two tribal workers under the same Management retired sometime but within relations father and son in Mudidih colliery from the records.
- ii) Service Excerpts of Guru Manjhi and Chhatu Manjhi duly attested by Sr. Project Officer, Mudidih Colliery.
- iii) Caste Certificate and Identification Certificate of Gura Manjhi son of Chhatu Manjhi

7) The Ld. Advocate for the OP/Management justified cause of action superannuating the workman from the service on 28.09.1993 on the basis of relevant service records and in taking up the matter at the fag end of his career which is not acceptable as per cited Hon'ble Courts judgments. Though the documents filed by the OP/Management it is established that the date of birth is 28.09.33 (Form-B) .Name of his father was Radga (Register of Employer) and again his date of birth as 28.09.33 with his signature and I D. No. as per I.D. Cards Register.

8) The fact reveals that the Union has abandoned the issue of the matter in mid way and no steps were taken by the Union/workman concerned since 25.09.2006. , Despite the fresh resumption of the issuance of Notices to the Union/workman the claimants opted to abstain away from the proceeding and took no steps to bring the matter to finality on merits through adjudication. Issue of the matter was left halfway with stoppage of taking part in hearing by the Union/workman since 25.09.2006 on third consecutive date and at evidence stage since 25.09.2006.Despite serving notices successive three times after resumption of hearing 2019, the workman concerned has stopped attending the Court for prolonged period in regular course and fresh resumption of hearing. As such the Tribunal holds that workman is no longer interested with finality of the matter.

9). Consequently the Tribunal could not ascertain authenticity of matter of the issue and reached its finality that there is no point in dealing with merits of this case which is fit for passing "No Claim Award" under provisions of the I.D. Act., 1947 as the petitioner/Union abruptly stopped taking any step in regular course despite legal remedy available with them for sixteen (16) years ,

10 Accordingly, in terms of the Industrial Dispute Act.,1947 the Tribunal holds the instant Industrial Dispute Case No.18/1999,insitituted on 18.01.1999 is no longer in existence between the parties and the Tribunal need not to proceed on merit due to sheer disinterestedness of the workman /union. So no claim Award is passed with awarding no relief in the instant dispute.

Dr. S.K.THAKUR, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 140.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ पोस्ट मास्टर जनरल, महाराष्ट्र सर्किल, मुंबई जीपीओ, मुंबई के प्रबंधन के संबद्ध नियोजकों और श्री सचिव, मुंबई पोर्ट ट्रस्ट जनरल वर्कर्स, वाडीबंदर, मस्जिद (ई), मुंबई के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय-2, मुंबई के पंचाट (संदर्भ सं. 2/37 of 2019) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07/02/2023 को प्राप्त हुआ था।

[सं. एल-40011/25/2019 आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 140.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/37 of 2019) of the Central Government Industrial Tribunal -cum-Labour Court -2, Mumbai, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Chief Post Master General, Maharashtra Circle, Mumbai GPO, Mumbai and The Secretary, Mumbai Port Trust General Workers, Wadibunder, Masjid (E), Mumbai, which was received along with soft copy of the award by the Central Government on 07/02/2023.

[No. L-40011/25/2019 -IR(DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI

Present : LAXMI NARAIN JINDAL, Presiding Officer

REFERENCE NO.CGIT-2/37 of 2019

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

CHIEF POST MASTER GENERAL

The Chief Post Master General,
Maharashtra Circle,
Mumbai GPO,
Mumbai - 400001.

AND

THEIR WORKMEN.

The Secretary,
Mumbai Port Trust General Workers,
Kavarana Building, 1st floor, 26/4P,
De Mello Road, Opp. Mangatram Weigh Bridge,
Wadibunder, Masjid (E), Mumbai - 400 009.

APPEARANCES:

FOR THE EMPLOYER	:	Mr. B.K. Ashok Advocate
FOR THE WORKMAN	:	Sh. Dattaram Dhondur Saldur
		Workman with
		Shri V. Narayanan

Authorised Representative

Mumbai: Dated the 10th January, 2023

AWARD

1. This reference has been made by the Central Government in exercise of its powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, vide Government of India, Ministry of Labour & Employment, New Delhi, order No. L-40011/25/2019 – IR (DU) dated 19.06.2019. The terms of reference given in the schedule are as follows :

“Whether the action of department of Post in imposing the punishment of reducing the salary of Sh. Dattaram Dondu Saldur to the minimum scale for 3 years without waiting for the outcome of Criminal case pending and not granting him benefit of 2 MACP due in 2006 & 2016 is legal, fair & justified? If not, what relief the workman is entitled to ?”

2. After the receipt of the reference, both the parties were served with the notices and they appeared and filed their respective pleadings.

3. Today, the workman and the Authorised Representative for the union have made the following statement.

“It is stated that the department of Post has agreed to settle my dues after I withdraw the present reference. Therefore, I withdraw the present reference and the same may be answered as withdrawn”.

4. In view of the above, it is ordered that the present reference is answered as withdrawn. January 10, 2023

LAXMI NARAIN JINDAL, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 141.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्र सरकार ने इसके द्वारा केंद्र सरकार के औद्योगिक न्यायाधिकरण सह श्रम न्यायालय, -2 नई दिल्ली का निर्णय (संदर्भ संख्या 123/2015) 5 नवंबर 2019 को एस ओ 1995 के साथ प्रकाशित किया S.O 1995 में उल्लिखित पार्टी "मेसर्स महानिदेशक (निर्माण), सीपीडब्ल्यूडी निर्माण भवन, नई दिल्ली और अन्य एवं उनके कर्मचारी" के जगह "निदेशक, अखिल भारतीय आयुर्विज्ञान संस्थान, (एम्स) अंसारी नगर, नई दिल्ली और श्री बचन सिंह, कामगार" पढ़ा जाए

[सं. एल-42025/07/2021-60- आईआर (डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 141.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award (Ref. No. 123/2015) of the Central Government Industrial Tribunal -cum- Labour Court, New Delhi -2 With S.O 1995 on 5th November 2019. Herein The party mentioned in S.O 1995 as “ Director General (Works), CPWD Nirman Bhawan New Delhi & Others and their worker ” be read as “The Director, All India Institute of Medical Sciences, (AIIMS) Ansari Nagar, New Delhi and Shri Bachan Singh, Worker”

[No. L-42025/07/2021-60- IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Present: Smt. PRANITA MOHANTY, Presiding Officer,
C.G.I.T.-Cum-Labour
Court-II, New Delhi.

INDUSTRIAL DISPUTE CASE NO. 123/2015**Date of Passing Award- 11th September, 2019.****Between:**

Shri Bachan Singh,
House No. 243, West Long Street,
Vill & PO- Khera Kalan,
New Delhi- 110082.

.....Workman

Versus

The Director,
AIIMS, Ansari Nagar,
New Delhi- 110029.

... Management

Appearances:-

Claimant in person

For the Workman

(A/R)

None for the management

For the Management

(A/R)

AWARD

This is an application filed by the claimant/workman u/s 33A of the ID Act claiming that pending adjudication of ID No. 54/2014 filed by him the management changed his service condition by terminating his service without obtaining permission/approval from the Appropriate Authority. The same being illegal is liable to be set aside. While praying for an interim order of reinstatement the claimant has sought for other remedies as would be admissible.

Notice of the claim petition was sent and served on the management who did not appear and by order dated 30.10.2017 the management was proceeded ex-parte.

The claimant filed his evidence by examining himself as WW1. In the said evidence he has stated that in the year 2003 he was appointed against a permanent vacancy as a driver in AIIMS and as per the direction of the head of the Transport Department was working as a mechanic of Air conditioner and water cooler etc. Alleging discrimination with regard to salary and other benefits he had raised a claim before the Labour Commissioner where conciliation proceeding was initiated and being referred by the Appropriate Government ID No. 54/2014 was registered before the Central Government Industrial Tribunal Delhi. The management was duly noticed in that proceeding but opted not to contest the same. Having knowledge about the pendency of the Industrial Dispute the management in a vindicated action on 13.10.2014 served a notice to show cause for a disciplinary action to be taken against him. The claimant submitted written reply to the same. But the management without considering the representation of the claimant and in gross violation of the provisions of ID Act by order dated 26.02.2015 retrenched the workman from service w.e.f. 27.03.2015 and while doing so, no showcause was called from him. Since the action of the management was during the pendency of the Industrial Dispute by the workman and no permission was taken for changing the service condition the same is illegal.

To corroborate the evidence adduced by him he has examined two other witnesses namely Amit Kumar and Vinod Kumar and also filed documents which have been marked in a series of WW1/1 to WW1/12. The document include the ID Card issued to the claimant, the complaint petition filed by him, the document relating to the qualification of the claimant, the seniority list prepared by the DPC, the notice to showcause and the order of termination etc. The evidence of the workman has been left uncontroverted by the management. The claimant has also filed the copy of the ex-parte award passed by this tribunal in ID No. 54/2014. In the said award marked as exhibit WW1/1 this tribunal has dismissed the claim of the workman.

There is no dispute that prior to the alleged showcause notice and the order of dismissal ID No. 54/2014 was pending. The provision of law laid u/s 33A of the ID Act applies to the proposition when the employer wants to alter the service condition of the workman to his prejudice with regard to any matter connected to a pending dispute or for any misconduct connected to that dispute. In such a situation the employer is under statutory obligations to seek prior permission in writing of the authority before whom the dispute is pending.

To attract the provisions of section 33A of the ID Act the conditions precedent are:

- (1) That there should have been contravention by the management of the provisions of section 33 of the Act.
- (2) That the contravention should have been during the pendency of the proceeding before the conciliatory authority, labour court tribunal or National tribunal as the case may be.
- (3) That the complainant should have been aggrieved by the contravention.
- (4) That the application should have been made to the labour court/, tribunal in which original proceeding is pending.

As of this case there was violation of section 33 of the ID Act which has been proved through oral and documentary evidence by the claimant. The dispute which was raised before this tribunal by the claimant in ID No. 54/2014 is connected with the dispute in respect of which the order of dismissal has been passed. Admittedly no application seeking permission was ever filed by the management before this tribunal. That being the position it is evidently clear that the action of the management in dispensing with the service of the workman during the pendency of ID No. 54/2014 is void abinitio and the claimant is deemed to be in service of the management on the date of termination of service with all consequential benefits. Hence, ordered.

ORDER

The application filed u/s 33A is allowed and the termination of the service of the claimant by the management w.e.f 27.03.2015 is held to be illegal and void and it is held that the claimant is deemed to be in service of the management with all consequential benefits on that date. This award is accordingly passed. Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

Dictated & Corrected by me.

PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 142.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक और अन्य, नेशनल इंस्टीट्यूट ऑफ फार्मास्युटिकल एजुकेशन एंड रिसर्च, मोहाली (पंजाब); प्रबंध निदेशक, मेसर्स सांची सिक्क्योरिटी कंपनी प्राइवेट लिमिटेड, चंडीगढ़ के प्रबंधन के संबद्ध नियोजकों और श्री गुलजार खान, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय-1 चंडीगढ़ के पंचाट (संदर्भ सं. 137/2013) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07/02/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-59-आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 142.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 137/2013) of the Central Government Industrial Tribunal cum Labour Court –I, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director and another, National Institute of Pharmaceutical Education and Research, Mohali (Punjab); The Managing Director, M/s Sanchi Security Company Private Ltd., Chandigarh and Shri Gulzar Khan, Worker which was received along with soft copy of the award by the Central Government on 07/02/2023.

[No. L-42025/07/2023-59- IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, PRESS DEPOT
BUILDING, 2nd FLOOR, SECTOR 18, CHANDIGARH.**

ID No. 137/2013

Registered on:-13.12.2013

(Directly Filed Under Section 2-A)

Gulzar Khan S/o Sh. Roshan,
Peon resident of Village Chilla, Tehsil and
District Mohali.

.... Appellant

Vs.

National Institute of Pharmaceutical Education and Research,
S.A.S. Nagar, District Mohali (Punjab) through its Director and another

M/s Sanchi Security Company Private Ltd.
SCO No.358, Sector 44-D,
Chandigarh through its
Managing Director Col. A. Malhi

.....Management

Appearance

For the Workman - Sh. R.P. Rana AR for Workman
For Respondent No.1- Sh. P.K. Mutneja AR for Respondent No.1
For Respondent No.2- None for Respondent No. 2

AWARD

Passed On:-01.11.2022

1. The workman has directly filed this claim petition under Section 2-A of the Industrial Disputes Act, 1947, in pursuance of the certificate issued by the Assistant Labour Commissioner, (Central) Chandigarh, dated 12.09.2013. The workman has filed demand notice U/s 2-A, of the Industrial Disputes Act, 1947 in regard to illegal termination by the Respondent with prayer for reinstate into service, with full back wages along with consequential benefit.

2. Heard both the parties and perused the record.

3. Respondent has moved an application through AR Sh. Pawan Kumar Mutneja Ld. Advocate with Sh. V.S. Mahal, with affidavit with the prayer that present application be allowed and Tribunal be pleased to dismiss the present reference, on the ground that three persons, namely, Satnam Singh, Avtar Singh and Hari Ram had preferred different writ petitions bearing CWP No.5949 of 1999, CWP No.7930 of 1999 and CWP No.6645 of 1999 respectively. These writ petitions were dismissed on 30.10.2012 by the Hon'ble High Court. They then moved an application for modification of the above-said order, which was disposed on 01.02.2013 and copies of the orders dated 30.10.2012 and 01.02.2013 passed by Hon'ble High Court are annexed. Moreover liberty was given only to the three petitioners, who had preferred the writ petitions. The demand notice has been preferred by persons other than the said three persons. Even the demand notice was not maintainable. Section 2A of the Industrial Disputes Act was amended in the year 2010 w.e.f. 15.09.2010. It has also been stated in the application that amended Section 2A of the I.D. Act for the first time gave a limitation to the controversy. Limitation period is only three years.

4. The present reference is not maintainable on account of limitation and Tribunal could not have entertained the application for reference. Moreover, the present reference was not maintainable on account of delay and laches. As per the applicant, his service came to an end in the year 1999. The present reference has been made after a period of 14 years by moving an application before this Hon'ble Court in the year 2013. The reference itself is not maintainable on account of delay and laches. Furthermore, it has also been stated that the applicant itself alleges that he was employee of the Contractor and as such the Contractor has not been impleaded as a party. Thus, the present reference deserves to be dismissed.

5. Reply has been filed on behalf of the workman to application dated 08.01.2019, filed by Respondent No.1. It has been stated that contention of para is wrong and hence, denied that only three persons have preferred writ petition. However CWP 5949 of 1999 was filed by 44 workers and CWP 7930 was filed by 5 workers including present workman. Thus contention made in this para is wrong and denied that only liberty was given to three workers. Moreover in view of judgment of Hon'ble Supreme Court of India in the case of Steel Authority of India V/s National Union Waterfront Workers (2001) ACC1 liberty was given by Hon'ble High Court of Punjab and Haryana in the above mentioned CWP vide order dated 01.02.2013 to the workers to have a remedy as in the decision of the Supreme Court. It has also been stated that, the demand notice was not

maintainable in view of amendment made in Section 2A of I.D. Act w.e.f 15.09.2010. However, it is submitted that workers apprehending their termination and for regularisation of their service filed CWP No.5949 and CWP NO.7930 of 1999 before Hon'ble High Court which was taken up for hearing on 05.05.1999 in which notice was issued to the respondents for 01.09.1999. On 14.05.1999 when the respondent No.1 received notice from Hon'ble High Court he did not allowed workman and others to enter the gate of NIPPER and thus orally terminated the service of the workman along with other Not only this, against illegal action workers also approached to labour Inspector Mohali on 15.05.1999 who informed to the workers on 18.05.1999 that your complaint will be filed before the ALC (Central) Sector 9, Chandigarh and thus workers approached ALC (Central) Sector-9, Chandigarh by filing complaint that since workers have filed writ petitions regarding regularization of their service against respondents before Hon'ble High Court. Additionally, parties to await the decision of Hon'ble High Court, copy of the order dated 28.05.1999 passed by ALC (Central) Sector 9, Chandigarh is annexed. Therefore, there is no delay in filing demand notice in view of facts and circumstances explained above. It is also stated that the application filed by the respondent No.1 /management may kindly be dismissed with cost of view of the facts and submission.

6. The workman Gulzar Khan S/o Sh. Roshan has engaged as Peon on Oct, 1994 by the Institute being shown to be engaged by the Contractors his services was terminated orally on 14.05.1999. It is admitted fact that the workman has filed this case on 13.12.2013 in this Tribunal. As per provision of Industrial Disputes Act 1947, vide amendment which was inserted by Act No.24 of 2010 Section 3 with effect from 15.09.2010, new provisions has been added as follows:-

“The application referred to in Sub-Section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service of specified in sub-Section (1)”.

7. The services of workman was terminated admittedly on 14.05.1999 and case has been filed on 13.12.2013, which is not within limitation period of three years. As such this Tribunal have no power to condone the delay. Application of the opposite party is liable to be allowed. Accordingly, the case is time barred and the claim is declined and rejected as time barred.

8. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

J.K. TRIPATHI, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 143.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक और अन्य, नेशनल इंस्टीट्यूट ऑफ फार्मास्युटिकल एजुकेशन एंड रिसर्च, मोहाली (पंजाब); प्रबंध निदेशक, मेसर्स सांची सिक्योरिटी कंपनी प्राइवेट लिमिटेड, चंडीगढ़ के प्रबंधन के संबंध में नियोजकों और श्री शाम नारायण, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 चंडीगढ़ के पंचाट (संदर्भ सं. 136/2013) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07/02/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-58- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 143.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 136/2013) of the Central Government Industrial Tribunal cum Labour Court –1, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director and another, National Institute of Pharmaceutical Education and Research, Mohali (Punjab); The Managing Director, M/s Sanchi Security Company Private Ltd., Chandigarh and Shri Sham Narain, Worker which was received along with soft copy of the award by the Central Government on 07/02/2023.

[No. L-42025/07/2023-58-IR(DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, PRESS DEPOT
BUILDING, 2RD FLOOR, SECTOR 18, CHANDIGARH.

ID No. 136/2013

Registered on:-13.12.2013

(Directly Filed under Section 2-A)

Sham Narain S/o Sh. Hanuman,
 Unskilled Mali, Resident of House No.209,
 Sector 38-West, Dadu Majra Colony, Chandigarh

... Appellant

Vs.

National Institute of Pharmaceutical Education and Research,
 S.A.S. Nagar, District Mohali (Punjab) through its Director and another

M/s Sanchi Security Company Private Ltd.
 SCO No.358, Sector 44-D,
 Chandigarh through its Managing Director Col. A. Malhi

... Management

Appearance

For the Workman -	Sh. R.P. Rana AR for Workman
For Respondent No.1-	Sh. P.K. Mutneja AR for Respondent No.1
For Respondent No.2-	None for Respondent No.2

AWARD

Passed On:-01.11.2022

1. The workman has directly filed this claim petition under Section 2-A of the Industrial Disputes Act, 1947, in pursuance of the certificate issued by the Assistant Labour Commissioner, (Central) Chandigarh, dated 12.09.2013. The workman has filed demand notice U/s 2-A, of the Industrial Disputes Act, 1947 in regard to illegal termination by the Respondent with prayer for reinstate into service, with full back wages along with consequential benefit.

2. Heard both the parties and perused the record.

3. Respondent has moved an application through AR Sh. Pawan Kumar Mutneja Ld. Advocate with Sh. V.S. Mahal, with affidavit with the prayer that present application be allowed and Tribunal be pleased to dismiss the present reference, on the ground that three persons, namely, Satnam Singh, Avtar Singh and Hari Ram had preferred different writ petitions bearing CWP No.5949 of 1999, CWP No.7930 of 1999 and CWP No.6645 of 1999 respectively. These writ petitions were dismissed on 30.10.2012 by the Hon'ble High Court. They then moved an application for modification of the above-said order, which was disposed on 01.02.2013 and copies of the orders dated 30.10.2012 and 01.02.2013 passed by Hon'ble High Court are annexed. Moreover liberty was given only to the three petitioners, who had preferred the writ petitions. The demand notice has been preferred by persons other than the said three persons. Even the demand notice was not maintainable. Section 2A of the Industrial Disputes Act was amended in the year 2010 w.e.f. 15.09.2010. It has also been stated in the application that amended Section 2A of the I.D. Act for the first time gave a limitation to the controversy. Limitation period is only three years.

4. The present reference is not maintainable on account of limitation and Tribunal could not have entertained the application for reference. Moreover, the present reference was not maintainable on account of delay and laches. As per the applicant, his service came to an end in the year 1999. The present reference has been made after a period of 14 years by moving an application before this Hon'ble Court in the year 2013. The reference itself is not maintainable on account of delay and laches. Furthermore, it has also been stated that the applicant itself alleges that he was employee of the Contractor and as such the Contractor has not been impleaded as a party. Thus, the present reference deserves to be dismissed.

5. Reply has been filed on behalf of the workman to application dated 08.01.2019, filed by Respondent No.1. It has been stated that contention of para is wrong and hence, denied that only three persons have preferred writ petition. However CWP 5949 of 1999 was filed by 44 workers and CWP 7930 was filed

by 5 workers including present workman. Thus contention made in this para is wrong and denied that only liberty was given to three workers. Moreover in view of judgment of Hon'ble Supreme Court of India in the case of Steel Authority of India V/s National Union Waterfront Workers (2001) ACC1 liberty was given by Hon'ble High Court of Punjab and Haryana in the above mentioned CWP vide order dated 01.02.2013 to the workers to have a remedy as in the decision of the Supreme Court. It has also been stated that, the demand notice was not maintainable in view of amendment made in Section 2A of I.D. Act w.e.f 15.09.2010. However, it is submitted that workers apprehending their termination and for regularisation of their service filed CWP No.5949 and CWP NO.7930 of 1999 before Hon'ble High Court which was taken up for hearing on 05.05.1999 in which notice was issued to the respondents for 01.09.1999. On 14.05.1999 when the respondent No.1 received notice from Hon'ble High Court he did not allowed workman and others to enter the gate of NIPPER and thus orally terminated the service of the workman along with other Not only this, against illegal action workers also approached to labour Inspector Mohali on 15.05.1999 who informed to the workers on 18.05.1999 that your complaint will be filed before the ALC (Central) Sector 9, Chandigarh and thus workers approached ALC (Central) Sector-9, Chandigarh by filing complaint that since workers have filed writ petitions regarding regularization of their service against respondents before Hon'ble High Court. Additionally, parties to await the decision of Hon'ble High Court, copy of the order dated 28.05.1999 passed by ALC (Central) Sector 9, Chandigarh is annexed. Therefore, there is no delay in filing demand notice in view of facts and circumstances explained above. It is also stated that the application filed by the respondent No.1 /management may kindly be dismissed with cost of view of the facts and submission.

6. The workman Sham Narain S/o Sh. Hanuman has engaged as Unskilled Mali on 06.10.1994 by the Institute being shown to be engaged by the Contractors his services was terminated orally on 14.05.1999. It is admitted fact that the workman has filed this case on 13.12.2013 in this Tribunal. As per provision of Industrial Disputes Act 1947, vide amendment which was inserted by Act No.24 of 2010 Section 3 with effect from 15.09.2010, new provisions has been added as follows:-

“The application referred to in Sub-Section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service of specified in sub-Section (1)”.

7. The services of workman was terminated admittedly on 14.05.1999 and case has been filed on 13.12.2013, which is not within limitation period of three years. As such this Tribunal have no power to condone the delay. Application of the opposite party is liable to be allowed. Accordingly, the case is time barred and the claim is declined and rejected as time barred.

8. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

J. K. TRIPATHI, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 144.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक और अन्य, नेशनल इंस्टीट्यूट ऑफ फार्मास्युटिकल एजुकेशन एंड रिसर्च, मोहाली (पंजाब); प्रबंध निदेशक, मेसर्स सांची सिक्योरिटी कंपनी प्राइवेट लिमिटेड, चंडीगढ़ के प्रबंधन के संबंध में नियोजकों और श्री रणबीर, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 चंडीगढ़ के पंचाट (संदर्भ सं. 135/2013) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07/02/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-57- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 144.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 135/2013) of the Central Government Industrial Tribunal cum Labour Court –I, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director and another, National Institute of Pharmaceutical Education and Research, Mohali (Punjab); The Managing Director, M/s Sanchi Security Company Private Ltd., Chandigarh and Shri Ranbir, Worker which was received along with soft copy of the award by the Central Government on 07/02/2023.

[No. L-42025/07/2023-57- IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, PRESS DEPOT BUILDING, 2nd FLOOR, SECTOR 18, CHANDIGARH.****ID No.135/2013****Registered on:-13.12.2013**

(Directly Filed under Section 2-A)

Ranbir S/o Sh. Babu Ram,
 Skilled Mali Resident of House No.216, Sector
 57 LIG Flats, Mohali.

....Appellant

Vs.

National Institute of Pharmaceutical Education and Research,
 S.A.S. Nagar, District Mohali (Punjab) through its Director and another

M/s Sanchi Security Company Private Ltd. SCO No.358,
 Sector 44-D, Chandigarh through its
 Managing Director Col. A. Malhi

.....Management

Appearance

For the Workman -	Sh. R.P. Rana AR for Workman
For Respondent No.1-	Sh. P.K. Mutneja AR for Respondent No.1
For Respondent No.2-	None for Respondent No.2

AWARD**Passed On:-01.11.2022**

1. The workman has directly filed this claim petition under Section 2-A of the Industrial Disputes Act, 1947, in pursuance of the certificate issued by the Assistant Labour Commissioner, (Central) Chandigarh, dated 12.09.2013. The workman has filed demand notice U/s 2-A, of the Industrial Disputes Act, 1947 in regard to illegal termination by the Respondent with prayer for reinstate into service, with full back wages along with consequential benefit.

2. Heard both the parties and perused the record.

3. Respondent has moved an application through AR Sh. Pawan Kumar Mutneja Ld. Advocate with Sh. V.S. Mahal, with affidavit with the prayer that present application be allowed and Tribunal be pleased to dismiss the present reference, on the ground that three persons, namely, Satnam Singh, Avtar Singh and Hari Ram had preferred different writ petitions bearing CWP No.5949 of 1999, CWP No.7930 of 1999 and CWP No.6645 of 1999 respectively. These writ petitions were dismissed on 30.10.2012 by the Hon'ble High Court. They then moved an application for modification of the above-said order, which was disposed on 01.02.2013 and copies of the orders dated 30.10.2012 and 01.02.2013 passed by Hon'ble High Court are annexed. Moreover liberty was given only to the three petitioners, who had preferred the writ petitions. The demand notice has been preferred by persons other than the said three persons. Even the demand notice was not maintainable. Section 2A of the Industrial Disputes Act was amended in the year 2010 w.e.f. 15.09.2010. It has also been stated in the application that amended Section 2A of the I.D. Act for the first time gave a limitation to the controversy. Limitation period is only three years.

4. The present reference is not maintainable on account of limitation and Tribunal could not have entertained the application for reference. Moreover, the present reference was not maintainable on account of delay and latches. As per the applicant, his service came to an end in the year 1999. The present reference has been made after a period of 14 years by moving an application before this Hon'ble Court in the year 2013. The reference itself is not maintainable on account of delay and latches. Furthermore, it has also been stated that the applicant itself alleges that he was employee of the Contractor and as such the Contractor has not been impleaded as a party. Thus, the present reference deserves to be dismissed.

5. Reply has been filed on behalf of the workman to application dated 08.01.2019, filed by Respondent No.1. It has been stated that contention of para is wrong and hence, denied that only three persons have preferred writ petition. However CWP 5949 of 1999 was filed by 44 workers and CWP 7930 was filed by 5 workers

including present workman. Thus contention made in this para is wrong and denied that only liberty was given to three workers. Moreover in view of judgment of Hon'ble Supreme Court of India in the case of Steel Authority of India V/s National Union Waterfront Workers (2001) ACC1 liberty was given by Hon'ble High Court of Punjab and Haryana in the above mentioned CWP vide order dated 01.02.2013 to the workers to have a remedy as in the decision of the Supreme Court. It has also been stated that, the demand notice was not maintainable in view of amendment made in Section 2A of I.D. Act w.e.f 15.09.2010. However, it is submitted that workers apprehending their termination and for regularisation of their service filed CWP No.5949 and CWP NO.7930 of 1999 before Hon'ble High Court which was taken up for hearing on 05.05.1999 in which notice was issued to the respondents for 01.09.1999. On 14.05.1999 when the respondent No.1 received notice from Hon'ble High Court he did not allowed workman and others to enter the gate of NIPPER and thus orally terminated the service of the workman along with other Not only this, against illegal action workers also approached to labour Inspector Mohali on 15.05.1999 who informed to the workers on 18.05.1999 that your complaint will be filed before the ALC (Central) Sector 9, Chandigarh and thus workers approached ALC (Central) Sector-9, Chandigarh by filing complaint that since workers have filed writ petitions regarding regularization of their service against respondents before Hon'ble High Court. Additionally, parties to await the decision of Hon'ble High Court, copy of the order dated 28.05.1999 passed by ALC (Central) Sector 9, Chandigarh is annexed. Therefore, there is no delay in filing demand notice in view of facts and circumstances explained above. It is also stated that the application filed by the respondent No.1 /management may kindly be dismissed with cost of view of the facts and submission.

6. The workman Ranbir S/o Shri Babu Ram has engaged as Skilled Mali on 06.10.1994 by the Institute being shown to be engaged by the Contractors his services was terminated orally on 14.05.1999. It is admitted fact that the workman has filed this case on 13.12.2013 in this Tribunal. As per provision of Industrial Disputes Act 1947, vide amendment which was inserted by Act No.24 of 2010 Section 3 with effect from 15.09.2010, new provisions has been added as follows:-

“The application referred to in Sub-Section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service of specified in sub-Section (1)”.

7. The services of workman was terminated admittedly on 14.05.1999 and case has been filed on 13.12.2013, which is not within limitation period of three years. As such this Tribunal have no power to condone the delay. Application of the opposite party is liable to be allowed. Accordingly, the case is time barred and the claim is declined and rejected as time barred.

8. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

J. K. TRIPATHI, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 145.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक और अन्य, नेशनल इंस्टीट्यूट ऑफ फार्मास्युटिकल एजुकेशन एंड रिसर्च, मोहाली (पंजाब); प्रबंध निदेशक, मेसर्स सांची सिक्योरिटी कंपनी प्राइवेट लिमिटेड, चंडीगढ़ के प्रबंधन के संबद्ध नियोजकों और श्री सुरजीत सिंह, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय-1 चंडीगढ़ के पंचाट (संदर्भ सं. 134/2013) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07/02/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-56- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 145.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 134/2013) of the Central Government Industrial Tribunal cum Labour Court –I, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director and another, National Institute of Pharmaceutical Education and Research, Mohali (Punjab); The Managing Director, M/s Sanchi Security Company Private Ltd., Chandigarh and Shri Surjit Singh, Worker which was received along with soft copy of the award by the Central Government on 07/02/2023.

[No. L-42025/07/2023-56-IR(DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, PRESS DEPOT
BUILDING, 2nd FLOOR, SECTOR 18, CHANDIGARH.****ID No.134/2013****Registered on:-13.12.2013**

(Directly Filed Under Section 2-A)

Surjit Singh S/o Sh. Labh Singh,
Driver Resident of Village Shangariwala
P.O. Mullanpur Garib Dass,
Tehsil Kharar, District Mohali

....Appellant

Vs.

National Institute of Pharmaceutical Education and Research,
S.A.S. Nagar, District Mohali (Punjab) through its Director and another

M/s Sanchi Security Company Private Ltd. SCO No.358, Sector 44-D, Chandigarh through its Managing
Director Col. A. Malhi

.....Management

Appearance:-

For the Workman -	Sh. R.P. Rana AR for Workman
For Respondent No.1-	Sh. P.K. Mutneja AR for Respondent No.1
For Respondent No.2-	None for Respondent No.2

AWARD**Passed On :-01.11.2022**

1. The workman has directly filed this claim petition under Section 2-A of the Industrial Disputes Act, 1947, in pursuance of the certificate issued by the Assistant Labour Commissioner, (Central) Chandigarh, dated 12.09.2013. The workman has filed demand notice U/s 2-A, of the Industrial Disputes Act, 1947 in regard to illegal termination by the Respondent with prayer for reinstate into service, with full back wages along with consequential benefit.

2. Heard both the parties and perused the record.

3. Respondent has moved an application through AR Sh. Pawan Kumar Mutneja Ld. Advocate with Sh. V.S. Mahal, with affidavit with the prayer that present application be allowed and Tribunal be pleased to dismiss the present reference, on the ground that three persons, namely, Satnam Singh, Avtar Singh and Hari Ram had preferred different writ petitions bearing CWP No.5949 of 1999, CWP No.7930 of 1999 and CWP No.6645 of 1999 respectively. These writ petitions were dismissed on 30.10.2012 by the Hon'ble High Court. They then moved an application for modification of the above-said order, which was disposed on 01.02.2013 and copies of the orders dated 30.10.2012 and 01.02.2013 passed by Hon'ble High Court are annexed. Moreover liberty was given only to the three petitioners, who had preferred the writ petitions. The demand notice has been preferred by persons other than the said three persons. Even the demand notice was not maintainable. Section 2A of the Industrial Disputes Act was amended in the year 2010 w.e.f. 15.09.2010. It has also been stated in the application that amended Section 2A of the I.D. Act for the first time gave a limitation to the controversy. Limitation period is only three years.

4. The present reference is not maintainable on account of limitation and Tribunal could not have entertained the application for reference. Moreover, the present reference was not maintainable on account of delay and laches. As per the applicant, his service came to an end in the year 1999. The present reference has been made after a period of 14 years by moving an application before this Hon'ble Court in the year 2013. The reference itself is not maintainable on account of delay and laches. Furthermore, it has also been stated that the

applicant itself alleges that he was employee of the Contractor and as such the Contractor has not been impleaded as a party. Thus, the present reference deserves to be dismissed.

5. Reply has been filed on behalf of the workman to application dated 08.01.2019, filed by Respondent No.1. It has been stated that contention of para is wrong and hence, denied that only three persons have preferred writ petition. However CWP 5949 of 1999 was filed by 44 workers and CWP 7930 was filed by 5 workers including present workman. Thus contention made in this para is wrong and denied that only liberty was given to three workers. Moreover in view of judgment of Hon'ble Supreme Court of India in the case of Steel Authority of India V/s National Union Waterfront Workers (2001) ACC1 liberty was given by Hon'ble High Court of Punjab and Haryana in the above mentioned CWP vide order dated 01.02.2013 to the workers to have a remedy as in the decision of the Supreme Court. It has also been stated that, the demand notice was not maintainable in view of amendment made in Section 2A of I.D. Act w.e.f 15.09.2010. However, it is submitted that workers apprehending their termination and for regularisation of their service filed CWP No.5949 and CWP NO.7930 of 1999 before Hon'ble High Court which was taken up for hearing on 05.05.1999 in which notice was issued to the respondents for 01.09.1999. On 14.05.1999 when the respondent No.1 received notice from Hon'ble High Court he did not allowed workman and others to enter the gate of NIPPER and thus orally terminated the service of the workman along with other Not only this, against illegal action workers also approached to labour Inspector Mohali on 15.05.1999 who informed to the workers on 18.05.1999 that your complaint will be filed before the ALC (Central) Sector 9, Chandigarh and thus workers approached ALC (Central) Sector-9, Chandigarh by filing complaint that since workers have filed writ petitions regarding regularization of their service against respondents before Hon'ble High Court. Additionally, parties to await the decision of Hon'ble High Court, copy of the order dated 28.05.1999 passed by ALC (Central) Sector 9, Chandigarh is annexed. Therefore, there is no delay in filing demand notice in view of facts and circumstances explained above. It is also stated that the application filed by the respondent No.1 /management may kindly be dismissed with cost of view of the facts and submission.

6. The workman Surjit Singh S/o Sh. Labh Singh has engaged as Driver on 01.10.1995 by the Institute being shown to be engaged by the Contractors his services was terminated orally on 14.05.1999. It is admitted fact that the workman has filed this case on 13.12.2013 in this Tribunal. As per provision of Industrial Disputes Act 1947, vide amendment which was inserted by Act No.24 of 2010 Section 3 with effect from 15.09.2010, new provisions has been added as follows:-

“The application referred to in Sub-Section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service of specified in sub-Section (1)”.

7. The services of workman was terminated admittedly on 14.05.1999 and case has been filed on 13.12.2013, which is not within limitation period of three years. As such this Tribunal have no power to condone the delay. Application of the opposite party is liable to be allowed. Accordingly, the case is time barred and the claim is declined and rejected as time barred.

8. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

J. K. TRIPATHI, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 146.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक और अन्य, नेशनल इंस्टीट्यूट ऑफ फार्मास्युटिकल एजुकेशन एंड रिसर्च, मोहाली (पंजाब); प्रबंध निदेशक, मेसर्स सांची सिक्वोरिटी कंपनी प्राइवेट लिमिटेड, चंडीगढ़ के प्रबंधन के संबंध में नियोजकों और श्री राम नारायण, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 चंडीगढ़ के पंचाट (संदर्भ सं.132/2013) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07/02/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-54- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 146.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 132/2013) of the Central Government Industrial Tribunal cum Labour Court –1, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in

relation to The Director and another, National Institute of Pharmaceutical Education and Research, Mohali (Punjab); The Managing Director, M/s Sanchi Security Company Private Ltd., Chandigarh and Shri Ram Narain, Worker which was received along with soft copy of the award by the Central Government on 07/02/2023.

[No. L-42025/07/2023-54- IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, PRESS DEPOT BUILDING, 2nd FLOOR, SECTOR 18, CHANDIGARH.

ID No. 132/2013

Registered on:-13.12.2013

(Directly filed under Section 2-A)

Ram Narain S/o Sh. Nek Chand,
Unskilled Mali Resident of House
No.808/2, Sector 50 Colony No.5,
Block K, U.T. Chandigarh

... Appellant

Vs.

National Institute of Pharmaceutical Education and Research,
S.A.S. Nagar, District Mohali (Punjab) through its Director and another

M/s Sanchi Security Company Private Ltd.
SCO No.358, Sector 44-D,
Chandigarh through its Managing Director Col. A. Malhi

....Management

Appearance

For the Workman -	Sh. R.P. Rana AR for Workman
For Respondent No.1-	Sh. P.K. Mutneja AR for Respondent No.1
For Respondent No.2-	None for Respondent No.2

AWARD

Passed On:-01.11.2022

1. The workman has directly filed this claim petition under Section 2-A of the Industrial Disputes Act, 1947, in pursuance of the certificate issued by the Assistant Labour Commissioner, (Central) Chandigarh, dated 12.09.2013. The workman has filed demand notice U/s 2-A, of the Industrial Disputes Act, 1947 in regard to illegal termination by the Respondent with prayer for reinstate into service, with full back wages along with consequential benefit.

2. Heard both the parties and perused the record.

3. Respondent has moved an application through AR Sh. Pawan Kumar Mutneja Ld. Advocate with Sh. V.S. Mahal, with affidavit with the prayer that present application be allowed and Tribunal be pleased to dismiss the present reference, on the ground that three persons, namely, Satnam Singh, Avtar Singh and Hari Ram had preferred different writ petitions bearing CWP No.5949 of 1999, CWP No.7930 of 1999 and CWP No.6645 of 1999 respectively. These writ petitions were dismissed on 30.10.2012 by the Hon'ble High Court. They then moved an application for modification of the above-said order, which was disposed on 01.02.2013 and copies of the orders dated 30.10.2012 and 01.02.2013 passed by Hon'ble High Court are annexed. Moreover liberty was given only to the three petitioners, who had preferred the writ petitions. The demand notice has been preferred by persons other than the said three persons. Even the demand notice was not maintainable. Section 2A of the Industrial Disputes Act was amended in the year 2010 w.e.f. 15.09.2010. It has also been stated in the

application that amended Section 2A of the I.D. Act for the first time gave a limitation to the controversy. Limitation period is only three years.

4. The present reference is not maintainable on account of limitation and Tribunal could not have entertained the application for reference. Moreover, the present reference was not maintainable on account of delay and latches. As per the applicant, his service came to an end in the year 1999. The present reference has been made after a period of 14 years by moving an application before this Hon'ble Court in the year 2013. The reference itself is not maintainable on account of delay and latches. Furthermore, it has also been stated that the applicant itself alleges that he was employee of the Contractor and as such the Contractor has not been impleaded as a party. Thus, the present reference deserves to be dismissed.

5. Reply has been filed on behalf of the workman to application dated 08.01.2019, filed by Respondent No.1. It has been stated that contention of para is wrong and hence, denied that only three persons have preferred writ petition. However CWP 5949 of 1999 was filed by 44 workers and CWP 7930 was filed by 5 workers including present workman. Thus contention made in this para is wrong and denied that only liberty was given to three workers. Moreover in view of judgment of Hon'ble Supreme Court of India in the case of Steel Authority of India V/s National Union Waterfront Workers (2001) ACCI liberty was given by Hon'ble High Court of Punjab and Haryana in the above mentioned CWP vide order dated 01.02.2013 to the workers to have a remedy as in the decision of the Supreme Court. It has also been stated that, the demand notice was not maintainable in view of amendment made in Section 2A of I.D. Act w.e.f 15.09.2010. However, it is submitted that workers apprehending their termination and for regularisation of their service filed CWP No.5949 and CWP NO.7930 of 1999 before Hon'ble High Court which was taken up for hearing on 05.05.1999 in which notice was issued to the respondents for 01.09.1999. On 14.05.1999 when the respondent No.1 received notice from Hon'ble High Court he did not allowed workman and others to enter the gate of NIPPER and thus orally terminated the service of the workman along with other Not only this, against illegal action workers also approached to labour Inspector Mohali on 15.05.1999 who informed to the workers on 18.05.1999 that your complaint will be filed before the ALC (Central) Sector 9, Chandigarh and thus workers approached ALC (Central) Sector-9, Chandigarh by filing complaint that since workers have filed writ petitions regarding regularization of their service against respondents before Hon'ble High Court. Additionally, parties to await the decision of Hon'ble High Court, copy of the order dated 28.05.1999 passed by ALC (Central) Sector 9, Chandigarh is annexed. Therefore, there is no delay in filing demand notice in view of facts and circumstances explained above. It is also stated that the application filed by the respondent No.1 /management may kindly be dismissed with cost of view of the facts and submission.

6. The workman Ram Narain S/o Sh. Nek Chand has engaged as Unskilled Mali on 04.12.1997 by the Institute being shown to be engaged by the Contractors his services was terminated orally on 14.05.1999. It is admitted fact that the workman has filed this case on 13.12.2013 in this Tribunal. As per provision of Industrial Disputes Act 1947, vide amendment which was inserted by Act No.24 of 2010 Section 3 with effect from 15.09.2010, new provisions has been added as follows:-

“The application referred to in Sub-Section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service of specified in sub-Section (1)”.

7. The services of workman was terminated admittedly on 14.05.1999 and case has been filed on 13.12.2013, which is not within limitation period of three years. As such this Tribunal have no power to condone the delay. Application of the opposite party is liable to be allowed. Accordingly, the case is time barred and the claim is declined and rejected as time barred.

8. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

J. K. TRIPATHI, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 147.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक और अन्य, नेशनल इंस्टीट्यूट ऑफ फार्मास्युटिकल एजुकेशन एंड रिसर्च, मोहाली (पंजाब); प्रबंध निदेशक, मेसर्स सांची सिक्वोरिटी कंपनी प्राइवेट लिमिटेड, चंडीगढ़ के प्रबंधन के संबंध में नियोजकों और श्री नानू राम, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 चंडीगढ़ के पंचाट (संदर्भ सं. 131/2013) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07/02/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-53- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 147.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 131/2013) of the Central Government Industrial Tribunal cum Labour Court –I, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director and another, National Institute of Pharmaceutical Education and Research, Mohali (Punjab); The Managing Director, M/s Sanchi Security Company Private Ltd., Chandigarh and Shri Nanu Ram, Worker which was received along with soft copy of the award by the Central Government on 07/02/2023.

[No. L-42025/07/2023-53-IR(DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, PRESS DEPOT
BUILDING, 2RD FLOOR, SECTOR 18, CHANDIGARH.

ID No. 131/2013

Registered on:-13.12.2013

(Directly Filed under Section 2-A)

Nanu Ram S/o Sh. Sardari Lal, Skilled Mali,
Resident of Village Kaimbala
Humhar Mohalla, District Ropar, Punjab

...Appellant

Vs.

National Institute of Pharmaceutical Education and Research,
S.A.S. Nagar, District Mohali (Punjab) through its Director and another

M/s Sanchi Security Company Private Ltd.
SCO No.358, Sector 44-D,
Chandigarh through its Managing Director Col. A. Malhi

... Management

Appearance

For the Workman -	Sh. R.P. Rana AR for Workman
For Respondent No.1-	Sh. P.K. Mutneja AR for Respondent No.1
For Respondent No.2-	None for Respondent No.2

AWARD

Passed On:-01.11.2022

1. The workman has directly filed this claim petition under Section 2-A of the Industrial Disputes Act, 1947, in pursuance of the certificate issued by the Assistant Labour Commissioner, (Central) Chandigarh, dated 12.09.2013. The workman has filed demand notice U/s 2-A, of the Industrial Disputes Act, 1947 in regard to illegal termination by the Respondent with prayer for reinstate into service, with full back wages along with consequential benefit.

2. Heard both the parties and perused the record.

3. Respondent has moved an application through AR Sh. Pawan Kumar Mutneja Ld. Advocate with Sh. V.S. Mahal, with affidavit with the prayer that present application be allowed and Tribunal be pleased to dismiss the present reference, on the ground that three persons, namely, Satnam Singh, Avtar Singh and Hari Ram had preferred different writ petitions bearing CWP No.5949 of 1999, CWP No.7930 of 1999 and CWP No.6645 of 1999 respectively. These writ petitions were dismissed on 30.10.2012 by the Hon'ble High Court. They then moved an application for modification of the above-said order, which was disposed on 01.02.2013 and copies of the orders dated 30.10.2012 and 01.02.2013 passed by Hon'ble High Court are annexed. Moreover liberty was given only to the three petitioners, who had preferred the writ petitions. The demand notice has been preferred by persons other than the said three persons. Even the demand notice was not maintainable. Section 2A of the Industrial Disputes Act was amended in the year 2010 w.e.f. 15.09.2010. It

has also been stated in the application that amended Section 2A of the I.D. Act for the first time gave a limitation to the controversy. Limitation period is only three years.

4. The present reference is not maintainable on account of limitation and Tribunal could not have entertained the application for reference. Moreover, the present reference was not maintainable on account of delay and latches. As per the applicant, his service came to an end in the year 1999. The present reference has been made after a period of 14 years by moving an application before this Hon'ble Court in the year 2013. The reference itself is not maintainable on account of delay and latches. Furthermore, it has also been stated that the applicant itself alleges that he was employee of the Contractor and as such the Contractor has not been impleaded as a party. Thus, the present reference deserves to be dismissed.

5. Reply has been filed on behalf of the workman to application dated 08.01.2019, filed by Respondent No.1. It has been stated that contention of para is wrong and hence, denied that only three persons have preferred writ petition. However CWP 5949 of 1999 was filed by 44 workers and CWP 7930 was filed by 5 workers including present workman. Thus contention made in this para is wrong and denied that only liberty was given to three workers. Moreover in view of judgment of Hon'ble Supreme Court of India in the case of Steel Authority of India V/s National Union Waterfront Workers (2001) ACC1 liberty was given by Hon'ble High Court of Punjab and Haryana in the above mentioned CWP vide order dated 01.02.2013 to the workers to have a remedy as in the decision of the Supreme Court. It has also been stated that, the demand notice was not maintainable in view of amendment made in Section 2A of I.D. Act w.e.f 15.09.2010. However, it is submitted that workers apprehending their termination and for regularisation of their service filed CWP No.5949 and CWP NO.7930 of 1999 before Hon'ble High Court which was taken up for hearing on 05.05.1999 in which notice was issued to the respondents for 01.09.1999. On 14.05.1999 when the respondent No.1 received notice from Hon'ble High Court he did not allowed workman and others to enter the gate of NIPPER and thus orally terminated the service of the workman along with other Not only this, against illegal action workers also approached to labour Inspector Mohali on 15.05.1999 who informed to the workers on 18.05.1999 that your complaint will be filed before the ALC (Central) Sector 9, Chandigarh and thus workers approached ALC (Central) Sector-9, Chandigarh by filing complaint that since workers have filed writ petitions regarding regularization of their service against respondents before Hon'ble High Court. Additionally, parties to await the decision of Hon'ble High Court, copy of the order dated 28.05.1999 passed by ALC (Central) Sector 9, Chandigarh is annexed. Therefore, there is no delay in filing demand notice in view of facts and circumstances explained above. It is also stated that the application filed by the respondent No.1 /management may kindly be dismissed with cost of view of the facts and submission.

6. The workman Nanu Ram S/o Sh. Sardari Lal has engaged as Skilled Mali on 06.11.1994 by the Institute being shown to be engaged by the Contractors his services was terminated orally on 14.05.1999. It is admitted fact that the workman has filed this case on 13.12.2013 in this Tribunal. As per provision of Industrial Disputes Act 1947, vide amendment which was inserted by Act No.24 of 2010 Section 3 with effect from 15.09.2010, new provisions has been added as follows:-

“The application referred to in Sub-Section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service of specified in sub-Section (1)”.

7. The services of workman was terminated admittedly on 14.05.1999 and case has been filed on 13.12.2013, which is not within limitation period of three years. As such this Tribunal have no power to condone the delay. Application of the opposite party is liable to be allowed. Accordingly, the case is time barred and the claim is declined and rejected as time barred.

8. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

J. K. TRIPATHI, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 148.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक और अन्य, नेशनल इंस्टीट्यूट ऑफ फार्मास्युटिकल एजुकेशन एंड रिसर्च, मोहाली (पंजाब); प्रबंध निदेशक, मेसर्स सांची सिक्वोरिटी कंपनी प्राइवेट लिमिटेड, चंडीगढ़ के प्रबंधन के संबंध में नियोजकों और श्री प्रदीप कुमार, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 चंडीगढ़ के पंचाट (संदर्भ सं. 130/2013) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07/02/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-52- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 148.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 130/2013) of the Central Government Industrial Tribunal cum Labour Court –I, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director and anothe, National Institute of Pharmaceutical Education and Research, Mohali (Punjab); The Managing Director, M/s Sanchi Security Company Private Ltd. , Chandigarh and Shri Pardeep Kumar, Worker which was received along with soft copy of the award by the Central Government on 07/02/2023.

[No. L-42025/07/2023-52- IR (DU)]

D. K. HIMANSHU, Under secy.

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, PRESS DEPOT BUILDING, 2nd FLOOR, SECTOR 18, CHANDIGARH.

ID No. 130/2013

Registered on:-13.12.2013

(Directly Filed under Section 2-A)

Pardeep Kumar S/o Sh. Prem Chand,
Sweeper Resident of House No.03,
Phase No.07, Industrial Area, JCT, Panjab.

....Appellant

Vs.

National Institute of Pharmaceutical Education and Research,
S.A.S. Nagar, District Mohali (Punjab) through its Director and another

M/s Sanchi Security Company Private Ltd.
SCO No.358, Sector 44-D, Chandigarh through its
Managing Director Col. A. Malhi

... Management

Appearance

For the Workman -	Sh. R.P. Rana AR for Workman
For Respondent No.1-	Sh. P.K. Mutneja AR for Respondent No.1
For Respondent No.2-	None for Respondent No.2

AWARD

Passed On:-01.11.2022

1. The workman has directly filed this claim petition under Section 2-A of the Industrial Disputes Act, 1947, in pursuance of the certificate issued by the Assistant Labour Commissioner, (Central) Chandigarh, dated 12.09.2013. The workman has filed demand notice U/s 2-A, of the Industrial Disputes Act, 1947 in regard to illegal termination by the Respondent with prayer for reinstate into service, with full back wages along with consequential benefit.

2. Heard both the parties and perused the record.

3. Respondent has moved an application through AR Sh. Pawan Kumar Mutneja Ld. Advocate with Sh. V.S. Mahal, with affidavit with the prayer that present application be allowed and Tribunal be pleased to dismiss the present reference, on the ground that three persons, namely, Satnam Singh, Avtar Singh and Hari Ram had preferred different writ petitions bearing CWP No.5949 of 1999, CWP No.7930 of 1999 and CWP No.6645 of 1999 respectively. These writ petitions were dismissed on 30.10.2012 by the Hon'ble High Court. They then moved an application for modification of the above-said order, which was disposed on 01.02.2013 and copies of the orders dated 30.10.2012 and 01.02.2013 passed by Hon'ble High Court are annexed. Moreover liberty was given only to the three petitioners, who had preferred the writ petitions. The demand notice has been preferred by persons other than the said three persons. Even the demand notice was not maintainable. Section 2A of the Industrial Disputes Act was amended in the year 2010 w.e.f. 15.09.2010. It has also been stated in the application

that amended Section 2A of the I.D. Act for the first time gave a limitation to the controversy. Limitation period is only three years.

4. The present reference is not maintainable on account of limitation and Tribunal could not have entertained the application for reference. Moreover, the present reference was not maintainable on account of delay and laches. As per the applicant, his service came to an end in the year 1999. The present reference has been made after a period of 14 years by moving an application before this Hon'ble Court in the year 2013. The reference itself is not maintainable on account of delay and laches. Furthermore, it has also been stated that the applicant itself alleges that he was employee of the Contractor and as such the Contractor has not been impleaded as a party. Thus, the present reference deserves to be dismissed.

5. Reply has been filed on behalf of the workman to application dated 08.01.2019, filed by Respondent No.1. It has been stated that contention of para is wrong and hence, denied that only three persons have preferred writ petition. However CWP 5949 of 1999 was filed by 44 workers and CWP 7930 was filed by 5 workers including present workman. Thus contention made in this para is wrong and denied that only liberty was given to three workers. Moreover in view of judgment of Hon'ble Supreme Court of India in the case of Steel Authority of India V/s National Union Waterfront Workers (2001) ACCI liberty was given by Hon'ble High Court of Punjab and Haryana in the above mentioned CWP vide order dated 01.02.2013 to the workers to have a remedy as in the decision of the Supreme Court. It has also been stated that, the demand notice was not maintainable in view of amendment made in Section 2A of I.D. Act w.e.f 15.09.2010. However, it is submitted that workers apprehending their termination and for regularisation of their service filed CWP No.5949 and CWP NO.7930 of 1999 before Hon'ble High Court which was taken up for hearing on 05.05.1999 in which notice was issued to the respondents for 01.09.1999. On 14.05.1999 when the respondent No.1 received notice from Hon'ble High Court he did not allowed workman and others to enter the gate of NIPPER and thus orally terminated the service of the workman along with other Not only this, against illegal action workers also approached to labour Inspector Mohali on 15.05.1999 who informed to the workers on 18.05.1999 that your complaint will be filed before the ALC (Central) Sector 9, Chandigarh and thus workers approached ALC (Central) Sector-9, Chandigarh by filing complaint that since workers have filed writ petitions regarding regularization of their service against respondents before Hon'ble High Court. Additionally, parties to await the decision of Hon'ble High Court, copy of the order dated 28.05.1999 passed by ALC (Central) Sector 9, Chandigarh is annexed. Therefore, there is no delay in filing demand notice in view of facts and circumstances explained above. It is also stated that the application filed by the respondent No.1 /management may kindly be dismissed with cost of view of the facts and submission.

6. The workman pardeep Kumar S/o Sh. Prem Chand has engaged as Sweeper on 10.06.1997 by the Institute being shown to be engaged by the Contractors his services was terminated orally on 14.05.1999. It is admitted fact that the workman has filed this case on 13.12.2013 in this Tribunal. As per provision of Industrial Disputes Act 1947, vide amendment which was inserted by Act No.24 of 2010 Section 3 with effect from 15.09.2010, new provisions has been added as follows:-

“The application referred to in Sub-Section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service of specified in sub-Section (1)”.

7. The services of workman was terminated admittedly on 14.05.1999 and case has been filed on 13.12.2013, which is not within limitation period of three years. As such this Tribunal have no power to condone the delay. Application of the opposite party is liable to be allowed. Accordingly, the case is time barred and the claim is declined and rejected as time barred.

8. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

J.K. TRIPATHI, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 149.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक और अन्य, नेशनल इंस्टीट्यूट ऑफ फार्मास्युटिकल एजुकेशन एंड रिसर्च, मोहाली (पंजाब); प्रबंध निदेशक, मेसर्स सांची सिक्स्योरिटी कंपनी प्राइवेट लिमिटेड, चंडीगढ़ के प्रबंधन के संबंध में श्री स्वर्गीय हरबिलास पुत्र श्री गुरदेव चंद, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय-1 चंडीगढ़ के पंचाट (संदर्भ सं. 129/2013) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07/02/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-61- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 149.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 129/2013) of the Central Government Industrial Tribunal cum Labour Court –I, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director and another, National Institute of Pharmaceutical Education and Research, Mohali (Punjab); The Managing Director, M/s Sanchi Security Company Private Ltd., Chandigarh and Shri Late Harbilas son of Sh. Gurdev Chand, Worker which was received along with soft copy of the award by the Central Government on 07/02/2023.

[No. L-42025/07/2023-61-IR(DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, PRESS DEPOT
BUILDING, 2nd FLOOR, SECTOR 18, CHANDIGARH.
ID No.129/2013

Registered on:-13.12.2013

(Directly Filed Under Section 2-A)

Late Harbilas son of Sh. Gurdev Chand resident of
H. No.83, Village Kaimbala,
U.T. (L.R.) Smt. Usha Rani (Widow) age 54 years
R/o House No.1985 ground
floor, Small Flat, Dhanas, U.T. Chandigarh impleaded
as per order 19.09.2022

...Appellant

Vs.

National Institute of Pharmaceutical Education and Research,
S.A.S. Nagar, District Mohali (Punjab) through its Director and another

M/s Sanchi Security Company Private Ltd.
SCO No.358, Sector 44-D,
Chandigarh through its Managing Director Col. A. Malhi

....Management

Appearance

For the Workman -
For Respondent No.1 -
For Respondent No.2-

Sh. R.P. Rana AR for Workman
Sh. P.K. Mutneja AR for Respondent No.1
None for Respondent No.2

AWARD

Passed On:-01.11.2022

1. The workman has directly filed this claim petition under Section 2-A of the Industrial Disputes Act, 1947, in pursuance of the certificate issued by the Assistant Labour Commissioner, (Central) Chandigarh, dated 12.09.2013. The workman has filed demand notice U/s 2-A, of the Industrial Disputes Act, 1947 in regard to illegal termination by the Respondent with prayer for reinstate into service, with full back wages along with consequential benefit.

2. Heard both the parties and perused the record.

3. Respondent has moved an application through AR Sh. Pawan Kumar Mutneja Ld. Advocate with Sh. V.S. Mahal, with affidavit with the prayer that present application be allowed and Tribunal be pleased to dismiss the present reference, on the ground that three persons, namely, Satnam Singh, Avtar Singh and Hari Ram had preferred different writ petitions bearing CWP No.5949 of 1999, CWP No.7930 of 1999 and CWP No.6645 of 1999 respectively. These writ petitions were dismissed on 30.10.2012 by the Hon'ble High Court. They then moved an application for modification of the above-said order, which was disposed on 01.02.2013 and copies of the orders dated 30.10.2012 and 01.02.2013 passed by Hon'ble High Court are

annexed. Moreover liberty was given only to the three petitioners, who had preferred the writ petitions. The demand notice has been preferred by persons other than the said three persons. Even the demand notice was not maintainable. Section 2A of the Industrial Disputes Act was amended in the year 2010 w.e.f. 15.09.2010. It has also been stated in the application that amended Section 2A of the I.D. Act for the first time gave a limitation to the controversy. Limitation period is only three years.

4. The present reference is not maintainable on account of limitation and Tribunal could not have entertained the application for reference. Moreover, the present reference was not maintainable on account of delay and laches. As per the applicant, his service came to an end in the year 1999. The present reference has been made after a period of 14 years by moving an application before this Hon'ble Court in the year 2013. The reference itself is not maintainable on account of delay and laches. Furthermore, it has also been stated that the applicant itself alleges that he was employee of the Contractor and as such the Contractor has not been impleaded as a party. Thus, the present reference deserves to be dismissed.

5. Reply has been filed on behalf of the workman to application dated 08.01.2019, filed by Respondent No.1. It has been stated that contention of para is wrong and hence, denied that only three persons have preferred writ petition. However CWP 5949 of 1999 was filed by 44 workers and CWP 7930 was filed by 5 workers including present workman. Thus contention made in this para is wrong and denied that only liberty was given to three workers. Moreover in view of judgment of Hon'ble Supreme Court of India in the case of Steel Authority of India V/s National Union Waterfront Workers (2001) ACC1 liberty was given by Hon'ble High Court of Punjab and Haryana in the above mentioned CWP vide order dated 01.02.2013 to the workers to have a remedy as in the decision of the Supreme Court. It has also been stated that, the demand notice was not maintainable in view of amendment made in Section 2A of I.D. Act w.e.f 15.09.2010. However, it is submitted that workers apprehending their termination and for regularisation of their service filed CWP No.5949 and CWP NO.7930 of 1999 before Hon'ble High Court which was taken up for hearing on 05.05.1999 in which notice was issued to the respondents for 01.09.1999. On 14.05.1999 when the respondent No.1 received notice from Hon'ble High Court he did not allowed workman and others to enter the gate of NIPPER and thus orally terminated the service of the workman along with other Not only this, against illegal action workers also approached to labour Inspector Mohali on 15.05.1999 who informed to the workers on 18.05.1999 that your complaint will be filed before the ALC (Central) Sector 9, Chandigarh and thus workers approached ALC (Central) Sector-9, Chandigarh by filing complaint that since workers have filed writ petitions regarding regularization of their service against respondents before Hon'ble High Court. Additionally, parties to await the decision of Hon'ble High Court, copy of the order dated 28.05.1999 passed by ALC (Central) Sector 9, Chandigarh is annexed. Therefore, there is no delay in filing demand notice in view of facts and circumstances explained above. It is also stated that the application filed by the respondent No.1 /management may kindly be dismissed with cost of view of the facts and submission.

6. The workman Late Sh. Harbilas S/o Gurdev Chand (L.R Smt. Usha Rani Widow age 54 years) has engaged as Driver on 24.11.1994 by the Institute being shown to be engaged by the Contractors his services was terminated orally on 14.05.1999. It is admitted fact that the workman has filed this case on 13.12.2013 in this Tribunal. As per provision of Industrial Disputes Act 1947, vide amendment which was inserted by Act No.24 of 2010 Section 3 with effect from 15.09.2010, new provisions has been added as follows:-

“The application referred to in Sub-Section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service of specified in sub-Section (1)”.

7. The services of workman was terminated admittedly on 14.05.1999 and case has been filed on 13.12.2013, which is not within limitation period of three years. As such this Tribunal have no power to condone the delay. Application of the opposite party is liable to be allowed. Accordingly, the case is time barred and the claim is declined and rejected as time barred.

8. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

J. K. TRIPATHI, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 150.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक और अन्य, नेशनल इंस्टीट्यूट ऑफ फार्मास्युटिकल एजुकेशन एंड रिसर्च, मोहाली (पंजाब); प्रबंध निदेशक, मेसर्स सांची सिक्वोरिटी कंपनी प्राइवेट लिमिटेड, चंडीगढ़ के प्रबंधन के संबद्ध नियोजकों और श्री रंजीत

राम, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय-1 चंडीगढ़ के पंचाट (संदर्भ सं. 128/2013) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07/02/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-51- -आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 150.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 128/2013) of the Central Government Industrial Tribunal cum Labour Court –I, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director and another, National Institute of Pharmaceutical Education and Research, Mohali (Punjab); The Managing Director, M/s Sanchi Security Company Private Ltd., Chandigarh and Shri Ranjit Ram, Worker which was received along with soft copy of the award by the Central Government on 07/02/2023.

[No. L-42025/07/2023-51-IR(DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, PRESS DEPOT
BUILDING, 2nd FLOOR, SECTOR 18, CHANDIGARH.
ID No. 128/2013

Registered on:-13.12.2013

(Directly Filed under Section 2-A)

Ranjit Ram S/o Sh. Mullhur Ram,
Laboratory Attendant Resident of Village
Kumbra, Distt. Mohali

....Appellant

Vs.

National Institute of Pharmaceutical Education and Research,
S.A.S. Nagar, District Mohali (Punjab) through its Director and another

M/s Sanchi Security Company Private Ltd.
SCO No.358, Sector 44-D, Chandigarh through
its Managing Director Col. A. Malhi

...Management

Appearance

For the Workman -
For Respondent No.1-
For Respondent No.2-

Sh. R.P. Rana AR for Workman
Sh. P.K. Mutneja AR for Respondent No.1
None for Respondent No.2

AWARD

Passed On:-01.11.2022

1. The workman has directly filed this claim petition under Section 2-A of the Industrial Disputes Act, 1947, in pursuance of the certificate issued by the Assistant Labour Commissioner, (Central) Chandigarh, dated 12.09.2013. The workman has filed demand notice U/s 2-A, of the Industrial Disputes Act, 1947 in regard to illegal termination by the Respondent with prayer for reinstate into service, with full back wages along with consequential benefit.

2. Heard both the parties and perused the record.

3. Respondent has moved an application through AR Sh. Pawan Kumar Mutneja Ld. Advocate with Sh. V.S. Mahal, with affidavit with the prayer that present application be allowed and Tribunal be pleased to dismiss the present reference, on the ground that three persons, namely, Satnam Singh, Avtar Singh and Hari Ram had preferred different writ petitions bearing CWP No.5949 of 1999, CWP No.7930 of 1999 and CWP No.6645 of 1999 respectively. These writ petitions were dismissed on 30.10.2012 by the Hon'ble High Court. They then moved an application for modification of the above-said order, which was disposed on 01.02.2013 and copies of the orders dated 30.10.2012 and 01.02.2013 passed by Hon'ble High Court are annexed. Moreover liberty was given only to the three petitioners, who had preferred the writ petitions. The demand notice has been preferred by persons other than the said three persons. Even the demand notice was not maintainable. Section 2A of the Industrial Disputes Act was amended in the year 2010 w.e.f. 15.09.2010. It has also been stated in the application that amended Section 2A of the I.D. Act for the first time gave a limitation to the controversy. Limitation period is only three years.

4. The present reference is not maintainable on account of limitation and Tribunal could not have entertained the application for reference. Moreover, the present reference was not maintainable on account of delay and laches. As per the applicant, his service came to an end in the year 1999. The present reference has been made after a period of 14 years by moving an application before this Hon'ble Court in the year 2013. The reference itself is not maintainable on account of delay and laches. Furthermore, it has also been stated that the applicant itself alleges that he was employee of the Contractor and as such the Contractor has not been impleaded as a party. Thus, the present reference deserves to be dismissed.

5. Reply has been filed on behalf of the workman to application dated 08.01.2019, filed by Respondent No.1. It has been stated that contention of para is wrong and hence, denied that only three persons have preferred writ petition. However CWP 5949 of 1999 was filed by 44 workers and CWP 7930 was filed by 5 workers including present workman. Thus contention made in this para is wrong and denied that only liberty was given to three workers. Moreover in view of judgment of Hon'ble Supreme Court of India in the case of Steel Authority of India V/s National Union Waterfront Workers (2001) ACCI liberty was given by Hon'ble High Court of Punjab and Haryana in the above mentioned CWP vide order dated 01.02.2013 to the workers to have a remedy as in the decision of the Supreme Court. It has also been stated that, the demand notice was not maintainable in view of amendment made in Section 2A of I.D. Act w.e.f 15.09.2010. However, it is submitted that workers apprehending their termination and for regularisation of their service filed CWP No.5949 and CWP NO.7930 of 1999 before Hon'ble High Court which was taken up for hearing on 05.05.1999 in which notice was issued to the respondents for 01.09.1999. On 14.05.1999 when the respondent No.1 received notice from Hon'ble High Court he did not allowed workman and others to enter the gate of NIPPER and thus orally terminated the service of the workman along with other Not only this, against illegal action workers also approached to labour Inspector Mohali on 15.05.1999 who informed to the workers on 18.05.1999 that your complaint will be filed before the ALC (Central) Sector 9, Chandigarh and thus workers approached ALC (Central) Sector-9, Chandigarh by filing complaint that since workers have filed writ petitions regarding regularization of their service against respondents before Hon'ble High Court. Additionally, parties to await the decision of Hon'ble High Court, copy of the order dated 28.05.1999 passed by ALC (Central) Sector 9, Chandigarh is annexed. Therefore, there is no delay in filing demand notice in view of facts and circumstances explained above. It is also stated that the application filed by the respondent No.1 /management may kindly be dismissed with cost of view of the facts and submission.

6. The workman Ranjit Ram S/o Sh. Mullhur Ram has engaged as Lab Attendant on 01.02.1988 by the Institute being shown to be engaged by the Contractors his services was terminated orally on 14.05.1999. It is admitted fact that the workman has filed this case on 13.12.2013 in this Tribunal. As per provision of Industrial Disputes Act 1947, vide amendment which was inserted by Act No.24 of 2010 Section 3 with effect from 15.09.2010, new provisions has been added as follows:-

“The application referred to in Sub-Section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service of specified in sub-Section (1)”.

7. The services of workman was terminated admittedly on 14.05.1999 and case has been filed on 13.12.2013, which is not within limitation period of three years. As such this Tribunal have no power to condone the delay. Application of the opposite party is liable to be allowed. Accordingly, the case is time barred and the claim is declined and rejected as time barred.

8. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

J. K. TRIPATHI, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 151.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक और अन्य, नेशनल इंस्टीट्यूट ऑफ फार्मास्युटिकल एजुकेशन एंड रिसर्च, मोहाली (पंजाब); प्रबंध निदेशक, मेसर्स सांची सिक्योरिटी कंपनी प्राइवेट लिमिटेड, चंडीगढ़ के प्रबंधन के संबंध में नियोजकों और श्री कलाम सिंह, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय-1 चंडीगढ़ के पंचाट (संदर्भ सं. 127/2013) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07/02/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-50- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 151.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 127/2013) of the Central Government Industrial Tribunal cum Labour Court –I, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director and another, National Institute of Pharmaceutical Education and Research, Mohali (Punjab); The Managing Director, M/s Sanchi Security Company Private Ltd., Chandigarh and Shri Kalam Singh, Worker which was received along with soft copy of the award by the Central Government on 07/02/2023.

[No. L-42025/07/2023-50-IR(DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, PRESS DEPOT BUILDING, 2RD FLOOR, SECTOR 18, CHANDIGARH.

ID No. 127/2013

Registered on:-13.12.2013

(Directly Filed Under Section 2-A)

Kalam Singh S/o Sh. Thehal Singh Resident of Village Malumarorha, P.O. Plethi, Tehsil-Dev Pryag,
District Tehri Garhwal U.K.

...Appellant

Vs.

National Institute of Pharmaceutical Education and Research,
S.A.S. Nagar, District Mohali (Punjab) through its Director and another

M/s Sanchi Security Company Private Ltd.
SCO No.358, Sector 44-D, Chandigarh through
its Managing Director Col. A. Malhi

...Management

Appearance

For the Workman -

Sh. R.P. Rana AR for Workman

For Respondent No.1-
For Respondent No.2-

Sh. P.K. Mutneja AR for Respondent No.1
None for Respondent No.2

AWARD

Passed On:-01.11.2022

1. The workman has directly filed this claim petition under Section 2-A of the Industrial Disputes Act, 1947, in pursuance of the certificate issued by the Assistant Labour Commissioner, (Central) Chandigarh, dated 12.09.2013. The workman has filed demand notice U/s 2-A, of the Industrial Disputes Act, 1947 in regard to illegal termination by the Respondent with prayer for reinstate into service, with full back wages along with consequential benefit.

2. Heard both the parties and perused the record.

3. Respondent has moved an application through AR Sh. Pawan Kumar Mutneja Ld. Advocate with Sh. V.S. Mahal, with affidavit with the prayer that present application be allowed and Tribunal be pleased to dismiss the present reference, on the ground that three persons, namely, Satnam Singh, Avtar Singh and Hari Ram had preferred different writ petitions bearing CWP No.5949 of 1999, CWP No.7930 of 1999 and CWP No.6645 of 1999 respectively. These writ petitions were dismissed on 30.10.2012 by the Hon'ble High Court. They then moved an application for modification of the above-said order, which was disposed on 01.02.2013 and copies of the orders dated 30.10.2012 and 01.02.2013 passed by Hon'ble High Court are annexed. Moreover liberty was given only to the three petitioners, who had preferred the writ petitions. The demand notice has been preferred by persons other than the said three persons. Even the demand notice was not maintainable. Section 2A of the Industrial Disputes Act was amended in the year 2010 w.e.f. 15.09.2010. It has also been stated in the application that amended Section 2A of the I.D. Act for the first time gave a limitation to the controversy. Limitation period is only three years.

4. The present reference is not maintainable on account of limitation and Tribunal could not have entertained the application for reference. Moreover, the present reference was not maintainable on account of delay and latches. As per the applicant, his service came to an end in the year 1999. The present reference has been made after a period of 14 years by moving an application before this Hon'ble Court in the year 2013. The reference itself is not maintainable on account of delay and latches. Furthermore, it has also been stated that the applicant itself alleges that he was employee of the Contractor and as such the Contractor has not been impleaded as a party. Thus, the present reference deserves to be dismissed.

5. Reply has been filed on behalf of the workman to application dated 08.01.2019, filed by Respondent No.1. It has been stated that contention of para is wrong and hence, denied that only three persons have preferred writ petition. However CWP 5949 of 1999 was filed by 44 workers and CWP 7930 was filed by 5 workers including present workman. Thus contention made in this para is wrong and denied that only liberty was given to three workers. Moreover in view of judgment of Hon'ble Supreme Court of India in the case of Steel Authority of India V/s National Union Waterfront Workers (2001) ACC1 liberty was given by Hon'ble High Court of Punjab and Haryana in the above mentioned CWP vide order dated 01.02.2013 to the workers to have a remedy as in the decision of the Supreme Court. It has also been stated that, the demand notice was not maintainable in view of amendment made in Section 2A of I.D. Act w.e.f 15.09.2010. However, it is submitted that workers apprehending their termination and for regularisation of their service filed CWP No.5949 and CWP NO.7930 of 1999 before Hon'ble High Court which was taken up for hearing on 05.05.1999 in which notice was issued to the respondents for 01.09.1999. On 14.05.1999 when the respondent No.1 received notice from Hon'ble High Court he did not allowed workman and others to enter the gate of NIPPER and thus orally terminated the service of the workman along with other Not only this, against illegal action workers also approached to labour Inspector Mohali on 15.05.1999 who informed to the workers on 18.05.1999 that your complaint will be filed before the ALC (Central) Sector 9, Chandigarh and thus workers approached ALC (Central) Sector-9, Chandigarh by filing complaint that since workers have filed writ petitions regarding regularization of their service against respondents before Hon'ble High Court. Additionally, parties to await the decision of Hon'ble High Court, copy of the order dated 28.05.1999 passed by ALC (Central) Sector 9, Chandigarh is annexed. Therefore, there is no delay in filing demand notice in view of facts and circumstances explained above. It is also stated that the application filed by the respondent No.1 /management may kindly be dismissed with cost of view of the facts and submission.

6. The workman Kalam Singh S/o Sh.Thehal Singh has engaged as Peon on May, 1997 by the Institute being shown to be engaged by the Contractors his services was terminated orally on 14.05.1999. It is admitted fact that the workman has filed this case on 13.12.2013 in this Tribunal. As per provision of Industrial Disputes Act 1947, vide amendment which was inserted by Act No.24 of 2010 Section 3 with effect from 15.09.2010, new provisions has been added as follows:-

“The application referred to in Sub-Section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service of specified in sub-Section (1)”.

7. The services of workman was terminated admittedly on 14.05.1999 and case has been filed on 13.12.2013, which is not within limitation period of three years. As such this Tribunal have no power to condone the delay. Application of the opposite party is liable to be allowed. Accordingly, the case is time barred and the claim is declined and rejected as time barred.

8. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

J. K. TRIPATHI, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 152.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक और अन्य, नेशनल इंस्टीट्यूट ऑफ फार्मास्युटिकल एजुकेशन एंड रिसर्च, मोहाली (पंजाब); प्रबंध निदेशक, मेसर्स सांची सिक्योरिटी कंपनी प्राइवेट लिमिटेड, चंडीगढ़ के प्रबंधन के संबंध में नियोजकों और श्री राम मूर्ति, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय-1 चंडीगढ़ के पंचाट (संदर्भ सं. 126/2013) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07/02/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-49- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 152.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 126/2013) of the Central Government Industrial Tribunal cum Labour Court –I, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director and another, National Institute of Pharmaceutical Education and Research, Mohali (Punjab); The Managing Director, M/s Sanchi Security Company Private Ltd., Chandigarh and Shri Ram Murti, Worker which was received along with soft copy of the award by the Central Government on 07/02/2023.

[No. L-42025/07/2023-49- IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, PRESS DEPOT BUILDING, 2nd FLOOR, SECTOR 18, CHANDIGARH.

ID No. 126/2013

Registered on:-13.12.2013

(Directly Filed under Section 2-A)

Ram Murti S/o Sh. Ram Piare,
Skilled Mali, House No.351, Mauli Jagran,
Charan Singh Colony,
Jagran, Charan Singh Colony, Jagran, Manimajra

.....Appellant

Vs.

National Institute of Pharmaceutical Education and Research,
S.A.S. Nagar, District Mohali (Punjab) through its Director and another

M/s Sanchi Security Company Private Ltd. SCO No.358,
Sector 44-D, Chandigarh through its Managing Director Col. A. Malhi

Appearance

For the Workman -	Sh. R.P. Rana AR for Workman
For Respondent No.1-	Sh. P.K. Mutneja AR for Respondent No.1
For Respondent No.2-	None for Respondent No.2

AWARD

Passed On:-01.11.2022

1. The workman has directly filed this claim petition under Section 2-A of the Industrial Disputes Act, 1947, in pursuance of the certificate issued by the Assistant Labour Commissioner, (Central) Chandigarh, dated 12.09.2013. The workman has filed demand notice U/s 2-A, of the Industrial Disputes Act, 1947 in regard to illegal termination by the Respondent with prayer for reinstate into service, with full back wages along with consequential benefit.

2. Heard both the parties and perused the record.

3. Respondent has moved an application through AR Sh. Pawan Kumar Mutneja Ld. Advocate with Sh. V.S. Mahal, with affidavit with the prayer that present application be allowed and Tribunal be pleased to dismiss the present reference, on the ground that three persons, namely, Satnam Singh, Avtar Singh and Hari Ram had preferred different writ petitions bearing CWP No.5949 of 1999, CWP No.7930 of 1999 and CWP No.6645 of 1999 respectively. These writ petitions were dismissed on 30.10.2012 by the Hon'ble High Court. They then moved an application for modification of the above-said order, which was disposed on 01.02.2013 and copies of the orders dated 30.10.2012 and 01.02.2013 passed by Hon'ble High Court are annexed. Moreover liberty was given only to the three petitioners, who had preferred the writ petitions. The demand notice has been preferred by persons other than the said three persons. Even the demand notice was not maintainable. Section 2A of the Industrial Disputes Act was amended in the year 2010 w.e.f. 15.09.2010. It has also been stated in the application that amended Section 2A of the I.D. Act for the first time gave a limitation to the controversy. Limitation period is only three years.

4. The present reference is not maintainable on account of limitation and Tribunal could not have entertained the application for reference. Moreover, the present reference was not maintainable on account of delay and latches. As per the applicant, his service came to an end in the year 1999. The present reference has been made after a period of 14 years by moving an application before this Hon'ble Court in the year 2013. The reference itself is not maintainable on account of delay and latches. Furthermore, it has also been stated that the applicant itself alleges that he was employee of the Contractor and as such the Contractor has not been impleaded as a party. Thus, the present reference deserves to be dismissed.

5. Reply has been filed on behalf of the workman to application dated 08.01.2019, filed by Respondent No.1. It has been stated that contention of para is wrong and hence, denied that only three persons have preferred writ petition. However CWP 5949 of 1999 was filed by 44 workers and CWP 7930 was filed by 5 workers including present workman. Thus contention made in this para is wrong and denied that only liberty was given to three workers. Moreover in view of judgment of Hon'ble Supreme Court of India in the case of Steel Authority of India V/s National Union Waterfront Workers (2001) ACC1 liberty was given by Hon'ble High Court of Punjab and Haryana in the above mentioned CWP vide order dated 01.02.2013 to the workers to have a remedy as in the decision of the Supreme Court. It has also been stated that, the demand notice was not maintainable in view of amendment made in Section 2A of I.D. Act w.e.f 15.09.2010. However, it is submitted that workers apprehending their termination and for regularisation of their service filed CWP No.5949 and CWP NO.7930 of 1999 before Hon'ble High Court which was taken up for hearing on 05.05.1999 in which notice was issued to the respondents for 01.09.1999. On 14.05.1999 when the respondent No.1 received notice from Hon'ble High Court he did not allowed workman and others to enter the gate of NIPPER and thus orally terminated the service of the workman along with other Not only this, against illegal action workers also approached to labour Inspector Mohali on 15.05.1999 who informed to the workers on 18.05.1999 that your complaint will be filed before the ALC (Central) Sector 9, Chandigarh and thus workers approached ALC (Central) Sector-9, Chandigarh by filing complaint that since workers have filed writ petitions regarding regularization of their service against respondents before Hon'ble High Court. Additionally, parties to await the decision of Hon'ble High Court, copy of the order dated 28.05.1999 passed by ALC (Central) Sector 9, Chandigarh is annexed. Therefore, there is no delay in filing demand notice in view of facts and circumstances explained above. It is also stated that the application filed by the respondent No.1 /management may kindly be dismissed with cost of view of the facts and submission.

6. The workman Ram Murti S/o Sh. Ram Piare has engaged as Skilled Mali on 01.08.1996 by the Institute being shown to be engaged by the Contractors his services was terminated orally on 14.05.1999. It is admitted fact that the workman has filed this case on 13.12.2013 in this Tribunal. As per provision of Industrial Disputes Act 1947, vide amendment which was inserted by Act No.24 of 2010 Section 3 with effect from 15.09.2010, new provisions has been added as follows:-

“The application referred to in Sub-Section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service of specified in sub-Section (1)”.

7. The services of workman was terminated admittedly on 14.05.1999 and case has been filed on 13.12.2013, which is not within limitation period of three years. As such this Tribunal have no power to condone the delay. Application of the opposite party is liable to be allowed. Accordingly, the case is time barred and the claim is declined and rejected as time barred.

8. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

J. K. TRIPATHI, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 153.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक और अन्य, नेशनल इंस्टीट्यूट ऑफ फार्मास्युटिकल एजुकेशन एंड रिसर्च, मोहाली (पंजाब); प्रबंध निदेशक, मेसर्स सांची सिक्योरिटी कंपनी प्राइवेट लिमिटेड, चंडीगढ़ के प्रबंधन के संबंध में नियोजकों और श्री मेला राम, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 चंडीगढ़ के पंचाट (संदर्भ सं. 125/2013) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07/02/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-48- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 153.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 125/2013) of the Central Government Industrial Tribunal cum Labour Court –I, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director and another, National Institute of Pharmaceutical Education and Research, Mohali (Punjab); The Managing Director, M/s Sanchi Security Company Private Ltd., Chandigarh and Shri Mela Ram, Worker which was received along with soft copy of the award by the Central Government on 07/02/2023.

[No. L-42025/07/2023-48-IR(DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, PRESS DEPOT BUILDING, 2RD FLOOR, SECTOR 18, CHANDIGARH.

ID No. 125/2013

Registered on:-13.12.2013

(Directly Filed under Section 2-A)

Mela Ram S/o Sh. Puran Singh,
Unskilled Mali, Resident of Village and Post
Office Maloya, U.T. Chandigarh

....Appellant

Vs.

National Institute of Pharmaceutical Education and Research,

S.A.S. Nagar, District Mohali (Punjab) through its Director and another

M/s Sanchi Security Company Private Ltd.
SCO No.358, Sector 44-D, Chandigarh through
its Managing Director Col. A. Malhi

....Management

Appearance:-

For the Workman -	Sh. R.P. Rana AR for Workman
For Respondent No.1-	Sh. P.K. Mutneja AR for Respondent No.1
For Respondent No.2-	None for Respondent No.2

AWARD

Passed On:-01.11.2022

1. The workman has directly filed this claim petition under Section 2-A of the Industrial Disputes Act, 1947, in pursuance of the certificate issued by the Assistant Labour Commissioner, (Central) Chandigarh, dated 12.09.2013. The workman has filed demand notice U/s 2-A, of the Industrial Disputes Act, 1947 in regard to illegal termination by the Respondent with prayer for reinstate into service, with full back wages along with consequential benefit.

2. Heard both the parties and perused the record.

3. Respondent has moved an application through AR Sh. Pawan Kumar Mutneja Ld. Advocate with Sh. V.S. Mahal, with affidavit with the prayer that present application be allowed and Tribunal be pleased to dismiss the present reference, on the ground that three persons, namely, Satnam Singh, Avtar Singh and Hari Ram had preferred different writ petitions bearing CWP No.5949 of 1999, CWP No.7930 of 1999 and CWP No.6645 of 1999 respectively. These writ petitions were dismissed on 30.10.2012 by the Hon'ble High Court. They then moved an application for modification of the above-said order, which was disposed on 01.02.2013 and copies of the orders dated 30.10.2012 and 01.02.2013 passed by Hon'ble High Court are annexed. Moreover liberty was given only to the three petitioners, who had preferred the writ petitions. The demand notice has been preferred by persons other than the said three persons. Even the demand notice was not maintainable. Section 2A of the Industrial Disputes Act was amended in the year 2010 w.e.f. 15.09.2010. It has also been stated in the application that amended Section 2A of the I.D. Act for the first time gave a limitation to the controversy. Limitation period is only three years.

4. The present reference is not maintainable on account of limitation and Tribunal could not have entertained the application for reference. Moreover, the present reference was not maintainable on account of delay and latches. As per the applicant, his service came to an end in the year 1999. The present reference has been made after a period of 14 years by moving an application before this Hon'ble Court in the year 2013. The reference itself is not maintainable on account of delay and latches. Furthermore, it has also been stated that the applicant itself alleges that he was employee of the Contractor and as such the Contractor has not been impleaded as a party. Thus, the present reference deserves to be dismissed.

5. Reply has been filed on behalf of the workman to application dated 08.01.2019, filed by Respondent No.1. It has been stated that contention of para is wrong and hence, denied that only three persons have preferred writ petition. However CWP 5949 of 1999 was filed by 44 workers and CWP 7930 was filed by 5 workers including present workman. Thus contention made in this para is wrong and denied that only liberty was given to three workers. Moreover in view of judgment of Hon'ble Supreme Court of India in the case of Steel Authority of India V/s National Union Waterfront Workers (2001) ACCI liberty was given by Hon'ble High Court of Punjab and Haryana in the above mentioned CWP vide order dated 01.02.2013 to the workers to have a remedy as in the decision of the Supreme Court. It has also been stated that, the demand notice was not maintainable in view of amendment made in Section 2A of I.D. Act w.e.f 15.09.2010. However, it is submitted that workers apprehending their termination and for regularisation of their service filed CWP No.5949 and CWP NO.7930 of 1999 before Hon'ble High Court which was taken up for hearing on 05.05.1999 in which notice was issued to the respondents for 01.09.1999. On 14.05.1999 when the respondent No.1 received notice from Hon'ble High Court he did not allowed workman and others to enter the gate of NIPPER and thus orally terminated the service of the workman along with other Not only this, against illegal action workers also approached to labour Inspector Mohali on 15.05.1999 who informed to the workers on 18.05.1999 that your complaint will be filed

before the ALC (Central) Sector 9, Chandigarh and thus workers approached ALC (Central) Sector-9, Chandigarh by filing complaint that since workers have filed writ petitions regarding regularization of their service against respondents before Hon'ble High Court. Additionally, parties to await the decision of Hon'ble High Court, copy of the order dated 28.05.1999 passed by ALC (Central) Sector 9, Chandigarh is annexed. Therefore, there is no delay in filing demand notice in view of facts and circumstances explained above. It is also stated that the application filed by the respondent No.1 /management may kindly be dismissed with cost of view of the facts and submission.

6. The workman Mela Ram S/o Sh.Puran Singh has engaged as Unskilled Mali on 07.03.1995 by the Institute being shown to be engaged by the Contractors his services was terminated orally on 14.05.1999. It is admitted fact that the workman has filed this case on 13.12.2013 in this Tribunal. As per provision of Industrial Disputes Act 1947, vide amendment which was inserted by Act No.24 of 2010 Section 3 with effect from 15.09.2010, new provisions has been added as follows:-

“The application referred to in Sub-Section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service of specified in sub-Section (1)”.

7. The services of workman was terminated admittedly on 14.05.1999 and case has been filed on 13.12.2013, which is not within limitation period of three years. As such this Tribunal have no power to condone the delay. Application of the opposite party is liable to be allowed. Accordingly, the case is time barred and the claim is declined and rejected as time barred.

8. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

J. K. TRIPATHI, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 154.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक और अन्य, नेशनल इंस्टीट्यूट ऑफ फार्मास्युटिकल एजुकेशन एंड रिसर्च, मोहाली (पंजाब); प्रबंध निदेशक, मेसर्स सांची सिक्योरिटी कंपनी प्राइवेट लिमिटेड, चंडीगढ़ के प्रबंधन के संबंध में नियोजकों और श्री भूपेंद्र सिंह, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 चंडीगढ़ के पंचाट (संदर्भ सं. 124/2013) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07/02/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-47- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 154.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 124/2013) of the Central Government Industrial Tribunal cum Labour Court –I, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director and another, National Institute of Pharmaceutical Education and Research, Mohali (Punjab); The Managing Director, M/s Sanchi Security Company Private Ltd., Chandigarh and Shri Bhupinder Singh, Worker which was received along with soft copy of the award by the Central Government on 07/02/2023.

[No. L-42025/07/2023-47-IR(DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, PRESS DEPOT
BUILDING, 2nd FLOOR, SECTOR 18, CHANDIGARH.**

ID No. 124/2013

Registered on:-13.12.2013

(Directly Filed under Section 2-A)

Bhupinder Singh S/o Sh. Bakhtar Singh,
Unskilled Mali, Resident of House

No.191/1, Sector 38 West, Dadu Majra Colony.

....Appellant

Vs

National Institute of Pharmaceutical Education and Research,
S.A.S. Nagar, District Mohali (Punjab) through its Director and another

M/s Sanchi Security Company Private Ltd.
SCO No.358, Sector 44-D,
Chandigarh through its Managing Director Col. A. Malhi

... Management

Appearance:-

For the Workman -	Sh. R.P. Rana AR for Workman
For Respondent No.1-	Sh. P. K. Mutneja AR for Respondent No.1
For Respondent No.2-	None for Respondent No. 2

AWARD

Passed On:-01.11.2022

1. The workman has directly filed this claim petition under Section 2-A of the Industrial Disputes Act, 1947, in pursuance of the certificate issued by the Assistant Labour Commissioner, (Central) Chandigarh, dated 12.09.2013. The workman has filed demand notice U/s 2-A, of the Industrial Disputes Act, 1947 in regard to illegal termination by the Respondent with prayer for reinstate into service, with full back wages along with consequential benefit.

2. Heard both the parties and perused the record.

3. Respondent has moved an application through AR Sh. Pawan Kumar Mutneja Ld. Advocate with Sh. V.S. Mahal, with affidavit with the prayer that present application be allowed and Tribunal be pleased to dismiss the present reference, on the ground that three persons, namely, Satnam Singh, Avtar Singh and Hari Ram had preferred different writ petitions bearing CWP No.5949 of 1999, CWP No.7930 of 1999 and CWP No.6645 of 1999 respectively. These writ petitions were dismissed on 30.10.2012 by the Hon'ble High Court. They then moved an application for modification of the above-said order, which was disposed on 01.02.2013 and copies of the orders dated 30.10.2012 and 01.02.2013 passed by Hon'ble High Court are annexed. Moreover liberty was given only to the three petitioners, who had preferred the writ petitions. The demand notice has been preferred by persons other than the said three persons. Even the demand notice was not maintainable. Section 2A of the Industrial Disputes Act was amended in the year 2010 w.e.f. 15.09.2010. It has also been stated in the application that amended Section 2A of the I.D. Act for the first time gave a limitation to the controversy. Limitation period is only three years.

4. The present reference is not maintainable on account of limitation and Tribunal could not have entertained the application for reference. Moreover, the present reference was not maintainable on account of delay and latches. As per the applicant, his service came to an end in the year 1999. The present reference has been made after a period of 14 years by moving an application before this Hon'ble Court in the year 2013. The reference itself is not maintainable on account of delay and latches. Furthermore, it has also been stated that the applicant itself alleges that he was employee of the Contractor and as such the Contractor has not been impleaded as a party. Thus, the present reference deserves to be dismissed.

5. Reply has been filed on behalf of the workman to application dated 08.01.2019, filed by Respondent No.1. It has been stated that contention of para is wrong and hence, denied that only three persons have preferred writ petition. However CWP 5949 of 1999 was filed by 44 workers and CWP 7930 was filed by 5 workers including present workman. Thus contention made in this para is wrong and denied that only liberty was given to three workers. Moreover in view of judgment of Hon'ble Supreme Court of India in the case of Steel Authority of India V/s National Union Waterfront Workers (2001) ACCI liberty was given by Hon'ble High Court of Punjab and Haryana in the above mentioned CWP vide order dated 01.02.2013 to the workers to have a remedy as in the decision of the Supreme Court. It has also been stated that, the demand notice was not maintainable in view of amendment made in Section 2A of I.D. Act w.e.f 15.09.2010. However, it is submitted that workers apprehending their termination and for regularisation of their service filed CWP No.5949 and CWP NO.7930 of 1999 before Hon'ble High Court which was taken up for hearing on 05.05.1999 in which notice was issued to the respondents for 01.09.1999. On 14.05.1999 when the respondent No.1 received notice from Hon'ble High Court he did not allowed workman and others to enter the gate of NIPPER and thus orally terminated the service of the workman along with other Not only this, against illegal action workers also approached to labour Inspector Mohali on 15.05.1999 who informed to the workers on 18.05.1999 that your complaint will be filed before the ALC (Central) Sector 9, Chandigarh and thus workers approached ALC (Central) Sector-9, Chandigarh by filing

complaint that since workers have filed writ petitions regarding regularization of their service against respondents before Hon'ble High Court. Additionally, parties to await the decision of Hon'ble High Court, copy of the order dated 28.05.1999 passed by ALC (Central) Sector 9, Chandigarh is annexed. Therefore, there is no delay in filing demand notice in view of facts and circumstances explained above. It is also stated that the application filed by the respondent No.1 /management may kindly be dismissed with cost of view of the facts and submission.

6. The workman Bhupinder Singh S/o Sh. Bakhtar Singh has engaged as Unskilled Mali on 16.10.1997 by the Institute being shown to be engaged by the Contractors his services was terminated orally on 14.05.1999. It is admitted fact that the workman has filed this case on 13.12.2013 in this Tribunal. As per provision of Industrial Disputes Act 1947, vide amendment which was inserted by Act No.24 of 2010 Section 3 with effect from 15.09.2010, new provisions has been added as follows:-

"The application referred to in Sub-Section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service of specified in sub-Section (1)".

7. The services of workman was terminated admittedly on 14.05.1999 and case has been filed on 13.12.2013, which is not within limitation period of three years. As such this Tribunal have no power to condone the delay. Application of the opposite party is liable to be allowed. Accordingly, the case is time barred and the claim is declined and rejected as time barred.

8. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

J. K. TRIPATHI, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 155.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक और अन्य, नेशनल इंस्टीट्यूट ऑफ फार्मास्युटिकल एजुकेशन एंड रिसर्च, मोहाली (पंजाब); प्रबंध निदेशक, मेसर्स सांची सिक्योरिटी कंपनी प्राइवेट लिमिटेड, चंडीगढ़ के प्रबंधन के संबंध में नियोजकों और श्री दलबर सिंह, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 चंडीगढ़ के पंचाट (संदर्भ सं. 123/2013) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07/02/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-46- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 155.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 123/2013) of the Central Government Industrial Tribunal cum Labour Court –I, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director and another, National Institute of Pharmaceutical Education and Research, Mohali (Punjab); The Managing Director, M/s Sanchi Security Company Private Ltd., Chandigarh and Shri Dalbar Singh, Worker which was received along with soft copy of the award by the Central Government on 07/02/2023.

[No. L-42025/07/2023-46--IR(DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, PRESS DEPOT BUILDING, 2RD FLOOR, SECTOR 18, CHANDIGARH.

ID No. 123/2013

Registered on:-13.12.2013

Dalbar Singh S/o Sh. Naib Singh,
Semi Skilled Mali Resident of Village
Kambala, P.O. Manoli, Tehsil and Distt. Mohali.

... Appellant

Vs.

National Institute of Pharmaceutical Education and Research,
S.A.S. Nagar, District Mohali (Punjab) through its Director and another

M/s Sanchi Security Company Private Ltd.
SCO No.358, Sector 44-D, Chandigarh through
its Managing Director Col. A. Malhi

....Management

Appearance:-

For the Workman -	Sh. R.P. Rana AR for Workman
For Respondent No.1-	Sh. P.K. Mutneja AR for Respondent No.1
For Respondent No.2-	None for Respondent No.2

AWARD

Passed On:-01.11.2022

1. The workman has directly filed this claim petition under Section 2-A of the Industrial Disputes Act, 1947, in pursuance of the certificate issued by the Assistant Labour Commissioner, (Central) Chandigarh, dated 12.09.2013. The workman has filed demand notice U/s 2-A, of the Industrial Disputes Act, 1947 in regard to illegal termination by the Respondent with prayer for reinstate into service, with full back wages along with consequential benefit.

2. Heard both the parties and perused the record.

3. Respondent has moved an application through AR Sh. Pawan Kumar Mutneja Ld. Advocate with Sh. V.S. Mahal, with affidavit with the prayer that present application be allowed and Tribunal be pleased to dismiss the present reference, on the ground that three persons, namely, Satnam Singh, Avtar Singh and Hari Ram had preferred different writ petitions bearing CWP No.5949 of 1999, CWP No.7930 of 1999 and CWP No.6645 of 1999 respectively. These writ petitions were dismissed on 30.10.2012 by the Hon'ble High Court. They then moved an application for modification of the above-said order, which was disposed on 01.02.2013 and copies of the orders dated 30.10.2012 and 01.02.2013 passed by Hon'ble High Court are annexed. Moreover liberty was given only to the three petitioners, who had preferred the writ petitions. The demand notice has been preferred by persons other than the said three persons. Even the demand notice was not maintainable. Section 2A of the Industrial Disputes Act was amended in the year 2010 w.e.f. 15.09.2010. It has also been stated in the application that amended Section 2A of the I.D. Act for the first time gave a limitation to the controversy. Limitation period is only three years.

4. The present reference is not maintainable on account of limitation and Tribunal could not have entertained the application for reference. Moreover, the present reference was not maintainable on account of delay and laches. As per the applicant, his service came to an end in the year 1999. The present reference has been made after a period of 14 years by moving an application before this Hon'ble Court in the year 2013. The reference itself is not maintainable on account of delay and laches. Furthermore, it has also been stated that the applicant itself alleges that he was employee of the Contractor and as such the Contractor has not been impleaded as a party. Thus, the present reference deserves to be dismissed.

5. Reply has been filed on behalf of the workman to application dated 08.01.2019, filed by Respondent No.1. It has been stated that contention of para is wrong and hence, denied that only three persons have preferred writ petition. However CWP 5949 of 1999 was filed by 44 workers and CWP 7930 was filed by 5 workers including present workman. Thus contention made in this para is wrong and denied that only liberty was given to three workers. Moreover in view of judgment of Hon'ble Supreme Court of India in the case of Steel Authority of India V/s National Union Waterfront Workers (2001) ACC1 liberty was given by Hon'ble High Court of Punjab and Haryana in the above mentioned CWP vide order dated 01.02.2013 to the workers to have a remedy as in the decision of the Supreme Court. It has also been stated that, the demand notice was not maintainable in view of amendment made in Section 2A of I.D. Act w.e.f 15.09.2010. However, it is submitted that workers apprehending their termination and for regularisation of their service filed CWP No.5949 and CWP NO.7930 of 1999 before Hon'ble High Court which was taken up for hearing on 05.05.1999 in which notice was issued to the respondents for 01.09.1999. On 14.05.1999 when the respondent No.1 received notice from Hon'ble High Court he did not allowed workman and others to enter the gate of NIPPER and thus orally terminated the service of the workman along with other Not only this, against illegal action workers also approached to labour Inspector Mohali on 15.05.1999 who informed to the workers on 18.05.1999 that your complaint will be filed before the ALC (Central) Sector 9, Chandigarh and thus workers approached ALC (Central) Sector-9, Chandigarh by filing complaint that since workers have filed writ petitions regarding regularization of their service against respondents before Hon'ble High Court. Additionally, parties to await the decision of Hon'ble High Court, copy of the order dated 28.05.1999 passed by ALC (Central) Sector 9, Chandigarh is annexed. Therefore, there is no delay in filing

demand notice in view of facts and circumstances explained above. It is also stated that the application filed by the respondent No.1 /management may kindly be dismissed with cost of view of the facts and submission.

6. The workman Dalbar Singh S/o Sh.Naib Singh has engaged as Semi Skilled Mali on 25.02.1991 by the Institute being shown to be engaged by the Contractors his services was terminated orally on 14.05.1999. It is admitted fact that the workman has filed this case on 13.12.2013 in this Tribunal. As per provision of Industrial Disputes Act 1947, vide amendment which was inserted by Act No.24 of 2010 Section 3 with effect from 15.09.2010, new provisions has been added as follows:-

“The application referred to in Sub-Section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service of specified in sub-Section (1)”.

7. The services of workman was terminated admittedly on 14.05.1999 and case has been filed on 13.12.2013, which is not within limitation period of three years. As such this Tribunal have no power to condone the delay. Application of the opposite party is liable to be allowed. Accordingly, the case is time barred and the claim is declined and rejected as time barred.

8. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

J.K. TRIPATHI, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 156.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक और अन्य, नेशनल इंस्टीट्यूट ऑफ फार्मास्युटिकल एजुकेशन एंड रिसर्च, मोहाली (पंजाब); प्रबंध निदेशक, मेसर्स सांची सिक्योरिटी कंपनी प्राइवेट लिमिटेड, चंडीगढ़ के प्रबंधन के संबंध में नियोजकों और श्री राज नारायण, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 चंडीगढ़ के पंचाट (संदर्भ सं. 122/2013) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07/02/2023 को प्राप्त हुआ था।

[सं. एल-42025/07/2023-45- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 156.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 122/2013) of the Central Government Industrial Tribunal cum Labour Court –I, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director and another, National Institute of Pharmaceutical Education and Research, Mohali (Punjab); The Managing Director, M/s Sanchi Security Company Private Ltd., Chandigarh and Shri Raj Narain, Worker which was received along with soft copy of the award by the Central Government on 07/02/2023.

[No. L-42025/07/2023-45-IR(DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, PRESS DEPOT BUILDING, 2nd FLOOR, SECTOR 18, CHANDIGARH.

Case ID No. 122/2013

Registered on:-13.12.2013

(Directly filed under Section 2-A)

Raj Narain S/o Nek Chand,
Mali Incharge, Resident of House No.200
Colony No.5, Block K, Sector 50, U.T. Chandigarh

....Appellant

Vs.

National Institute of Pharmaceutical Education and Research,

S.A.S. Nagar, District Mohali (Punjab) through its Director and another

M/s Sanchi Security Company Private
Ltd. SCO No.358, Sector 44-D, Chandigarh through
its Managing Director Col. A. Malhi

...Management

Appearance:-

For the Workman -	Sh. R.P. Rana AR for Workman
For Respondent No.1-	Sh. P.K. Mutneja AR for Respondent No.1
For Respondent No.2-	None for Respondent No.2

AWARD**Passed On:-01.11.2022**

1. The workman has directly filed this claim petition under Section 2-A of the Industrial Disputes Act, 1947, in pursuance of the certificate issued by the Assistant Labour Commissioner, (Central) Chandigarh, dated 12.09.2013. The workman has filed demand notice U/s 2-A, of the Industrial Disputes Act, 1947 in regard to illegal termination by the Respondent with prayer for reinstate into service, with full back wages along with consequential benefit.

2. Heard both the parties and perused the record.

3. Respondent has moved an application through AR Sh. Pawan Kumar Mutneja Ld. Advocate with Sh. V.S. Mahal, with affidavit with the prayer that present application be allowed and Tribunal be pleased to dismiss the present reference, on the ground that three persons, namely, Satnam Singh, Avtar Singh and Hari Ram had preferred different writ petitions bearing CWP No.5949 of 1999, CWP No.7930 of 1999 and CWP No.6645 of 1999 respectively. These writ petitions were dismissed on 30.10.2012 by the Hon'ble High Court. They then moved an application for modification of the above-said order, which was disposed on 01.02.2013 and copies of the orders dated 30.10.2012 and 01.02.2013 passed by Hon'ble High Court are annexed. Moreover liberty was given only to the three petitioners, who had preferred the writ petitions. The demand notice has been preferred by persons other than the said three persons. Even the demand notice was not maintainable. Section 2A of the Industrial Disputes Act was amended in the year 2010 w.e.f. 15.09.2010. It has also been stated in the application that amended Section 2A of the I.D. Act for the first time gave a limitation to the controversy. Limitation period is only three years.

4. The present reference is not maintainable on account of limitation and Tribunal could not have entertained the application for reference. Moreover, the present reference was not maintainable on account of delay and laches. As per the applicant, his service came to an end in the year 1999. The present reference has been made after a period of 14 years by moving an application before this Hon'ble Court in the year 2013. The reference itself is not maintainable on account of delay and laches. Furthermore, it has also been stated that the applicant itself alleges that he was employee of the Contractor and as such the Contractor has not been impleaded as a party. Thus, the present reference deserves to be dismissed.

5. Reply has been filed on behalf of the workman to application dated 08.01.2019, filed by Respondent No.1. It has been stated that contention of para is wrong and hence, denied that only three persons have preferred writ petition. However CWP 5949 of 1999 was filed by 44 workers and CWP 7930 was filed by 5 workers including present workman. Thus contention made in this para is wrong and denied that only liberty was given to three workers. Moreover in view of judgment of Hon'ble Supreme Court of India in the case of Steel Authority of India V/s National Union Waterfront Workers (2001) ACC1 liberty was given by Hon'ble High Court of Punjab and Haryana in the above mentioned CWP vide order dated 01.02.2013 to the workers to have a remedy as in the decision of the Supreme Court. It has also been stated that, the demand notice was not maintainable in view of amendment made in Section 2A of I.D. Act w.e.f 15.09.2010. However, it is submitted that workers apprehending their termination and for regularisation of their service filed CWP No.5949 and CWP NO.7930 of 1999 before Hon'ble High Court which was taken up for hearing on 05.05.1999 in which notice was issued to the respondents for 01.09.1999. On 14.05.1999 when the respondent No.1 received notice from Hon'ble High Court he did not allowed workman and others to enter the gate of NIPPER and thus orally terminated the service of the workman along with other Not only this, against illegal action workers also approached to labour Inspector Mohali on 15.05.1999 who informed to the workers on 18.05.1999 that your complaint will be filed before the ALC (Central) Sector 9, Chandigarh and thus workers approached ALC (Central) Sector-9, Chandigarh by filing complaint that since workers have filed writ petitions regarding regularization of their service against respondents

before Hon'ble High Court. Additionally, parties to await the decision of Hon'ble High Court, copy of the order dated 28.05.1999 passed by ALC (Central) Sector 9, Chandigarh is annexed. Therefore, there is no delay in filing demand notice in view of facts and circumstances explained above. It is also stated that the application filed by the respondent No.1 /management may kindly be dismissed with cost of view of the facts and submission.

6. The workman Raj Narain S/o Nek Chand has engaged as Mali on 01.03.1995 by the Institute being shown to be engaged by the Contractors his services was terminated orally on 14.05.1999. It is admitted fact that the workman has filed this case on 13.12.2013 in this Tribunal. As per provision of Industrial Disputes Act 1947, vide amendment which was inserted by Act No.24 of 2010 Section 3 with effect from 15.09.2010, new provisions has been added as follows:-

“The application referred to in Sub-Section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service of specified in sub-Section (1)”.

7. The services of workman was terminated admittedly on 14.05.1999 and case has been filed on 13.12.2013, which is not within limitation period of three years. As such this Tribunal have no power to condone the delay. Application of the opposite party is liable to be allowed. Accordingly, the case is time barred and the claim is declined and rejected as time barred.

8. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

J.K. TRIPATHI, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 157.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वाइस चांसलर, सेंट्रल यूनिवर्सिटी ऑफ पंजाब, बठिंडा; इंचार्ज, चेकमेट फैसिलिटी एंड इलेक्ट्रॉनिक सॉल्यूशंस प्रा. लिमिटेड, साहिबजादा अजीत सिंह नगर, पंजाब के प्रबंधन के संबद्ध नियोजकों और श्री तरसेम सिंह, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 चंडीगढ़ के पंचाट (संदर्भ सं. 140/2018) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07/02/2023 को प्राप्त हुआ था।

[सं. एल-42012/164/2018-आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 157.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 140/2018) of the Central Government Industrial Tribunal cum Labour Court –I, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Vice Chancellor, Central University of Punjab, Bathinda; In charge, Checkmate Facility and Electronic Solutions Pvt. Ltd., Sahibzada Ajit Singh Nagar, Punjab and Shri Tarsem Singh, Worker which was received along with soft copy of the award by the Central Government on 07/02/2023.

[No. L-42012/164/2018-IR(DU)]

D. K. HIMANSHU, Under Secy.

**ANNEXURE
IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.**

Present: Sh. J.K. TRIPATHI, Presiding Officer.

ID No.140/2018

Registered on:-21.01.2019

Sh. Tarsem Singh S/o Sh. Naib Singh

R/o VPO Bhagwargarh,
The-Talwandi Saboo Bathinda-151001

....Workman

Versus

1. The Vice Chancellor, Central University of Punjab,
City Campus, Mansa Road, Bathinda-151001

2. Incharge, Checkmate Facility and Electronic Solutions Pvt.
Lt SCF-128, Phase-3, B2, Sec-60,
Sahibzada Ajit Singh Nagar, Punjab-160055

... Respondents/Managements

Appearances:-

For the Workman

None

For the Respondent No.1

Sh. Puneet, Assistant Engineer

For the Respondent No.2

None

AWARD

Passed On:- 20.01.2023

Central Government vide Notification No.L-42012/164/2018-IR(DU) dated 18.12.2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

“Whether the action of the management of Central University of Punjab, Bathinda and checkmate facility and electronic solutions private limited in terminating the services of Sh. Tarsem Singh w.e.f. 30.09.2012 if legal, fair and justified? If not, what relief the workman is entitled to and from which date?”

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, and the notice is properly served upon the workman.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.140/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

JYOTI KUMAR TRIPATHI, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 158.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वाइस चांसलर, सेंट्रल यूनिवर्सिटी ऑफ पंजाब, बठिंडा; इंचार्ज, चेकमेट फैसिलिटी एंड इलेक्ट्रॉनिक सॉल्यूशंस प्रा. लिमिटेड, साहिबजादा अजीत सिंह नगर, पंजाब के प्रबंधन के संबद्ध नियोजकों और श्री बिक्रम सिंह, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 चंडीगढ़ के पंचाट (संदर्भ सं. 156/2018) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07/02/2023 को प्राप्त हुआ था।

[सं. एल-42012/181/2018 आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 158.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 156/2018) of the Central Government Industrial Tribunal cum Labour Court –I, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Vice Chancellor, Central University of Punjab, Bathinda; In charge, Checkmate Facility and Electronic Solutions Pvt. Ltd., Sahibzada Ajit Singh Nagar, Punjab and Shri Bikkar Singh, Worker which was received along with soft copy of the award by the Central Government on 07/02/2023.

[No. L-42012/181/2018 IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. J.K. TRIPATHI, Presiding Officer

ID No.156/2018

Registered on:-25.02.2019

Sh. Bikkar Singh S/o Sh. Nachattar Singh,
R/o VPO Jiwan Singh Wala,
The-Talwandi Saboo, Bathinda-151001

....Workman

Versus

1. The Vice Chancellor, Central University of Punjab,
City Campus, Mansa Road, Bathinda-151001
2. In charge, Checkmate Facility and Electronic Solutions Pvt. Ltd.
SCF-128, Phase-3, B2, Sec-60, Sahibzada Ajit Singh Nagar, Punjab

.....Respondents/Managements

AWARD

Passed On:- 24.11.2022

Central Government vide Notification No.L-42012/181/2018-IR(DU) dated 28.01.2019, under clause (d) of sub-section (1) of and sub-Section (2A) Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

“Whether the action of the management of Central University of Punjab, Bathinda and Checkmate Facility and Electronic Solutions Pvt. Ltd. In termination the service of Sh. Bikkar Singh w.e.f. 30.09.2012 who was working since June 2010 on the post of Plumber is legal fair and justified? If not, what relief the workman is entitled to and from which date?”

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.

2. The workman Sh. Bikkar Singh S/o Sh. Nachattar Singh himself signed application on 24.11.2022, he has moved and requested before the Tribunal that he does not want to pursue the case. He stated that all the claims with Central University of Punjab and no further grievance remains with the management. It has also been submitted by management that he has no objection. Statement of the workman has also been recorded. Workman is not interested to carry on the case. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.156/2018.

3. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

J. K. TRIPATHI, Presiding Officer

नई दिल्ली, 8 फरवरी, 2023

का.आ. 159.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वाइस चांसलर, सेंट्रल यूनिवर्सिटी ऑफ पंजाब, बठिंडा; इंचार्ज, चेकमेट फैसिलिटी एंड इलेक्ट्रॉनिक सॉल्यूशंस प्रा. लिमिटेड, साहिबजादा अजीत सिंह नगर, पंजाब के प्रबंधन के संबद्ध नियोजकों और श्री निर्मल सिंह, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 चंडीगढ़ पंचाट के (संदर्भ सं. 165/2018) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07/02/2023 को प्राप्त हुआ था।

[सं. एल-42012/161/2018 आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 8th February, 2023

S.O. 159.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 165/2018) of the Central Government Industrial Tribunal cum Labour Court –I, Chandigarh, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Vice Chancellor, Central University of Punjab, Bathinda; In charge, Checkmate Facility and Electronic Solutions Pvt. Ltd., Sahibzada Ajit Singh Nagar, Punjab and Shri Nirmal Singh, Worker which was received along with soft copy of the award by the Central Government on 07/02/2023.

[No. L-42012/161/2018-IR(DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. J.K. TRIPATHI, Presiding Officer

ID No. 165/2018

Registered on:-25.02.2019

Sh. Nirmal Singh S/o Sh. Nachattar Singh
R/o VPO Maur Kalan,
Maur Mandi, Bathinda-151001

... Workman

Versus

1. The Vice Chancellor, Central University of Punjab,
City Campus, Mansa Road, Bathinda-151001
 2. Incharge, Checkmate Facility and
Electronic Solutions Pvt. Lt SCF-128, Phase-3,
B2, Sec-60, Sahibzada Ajit Singh Nagar, Punjab-160055
- ... Respondents/Managements

Appearances:-

For the Workman	None
For the Respondent No.1	Sh. Puneet, Assistant Engineer
For the Respondent No.2	None

AWARD

Passed On:- 20.01.2023

Central Government vide Notification No.L-42012/161/2018-IR(DU) dated 24.01.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

“Whether the action of the management of Central University of Punjab, Bathinda and checkmate facility and electronic solutions private limited in terminating the services of Sh. Nirmal Singh w.e.f. 30.09.2012 if legal, fair and justified? If not, what relief the workman is entitled to and from which date?”

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.165/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

JYOTI KUMAR TRIPATHI, Presiding Officer

नई दिल्ली, 9 फरवरी, 2023

का.आ. 160.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स गेल (इंडिया) लिमिटेड, सूरत (गुजरात); मेसर्स कमला इलेक्ट्रिकल्स इंजीनियरिंग कंपनी, सूरत (गुजरात) के प्रबंधन के संबद्ध नियोजकों और श्री कांतिभाई जी. पटेल, कामगार, सूरत (गुजरात) के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं.65/2017) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.02.2023 को प्राप्त हुआ था।

[सं. एल-30012/40/2005-आईआर (एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 9th February, 2023

S.O. 160.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 65/2017) of the Central Government Industrial Tribunal cum Labour Court, Ahmedabad as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s GAIL (India) Limited, Surat (Gujarat); M/s Kamla Electricals Engineering Company, Vadodara (Gujarat) and Shri Kantibhai G. Patel, Surat (Gujarat) which was received along with soft copy of the award by the Central Government on 09.02.2023.

[No. L-30012/40/2005-IR(M)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
AHMEDABAD

Present :- SUNIL KUMAR Singh-I, Presiding Officer,
CGIT cum Labour Court,
Ahmedabad,
Dated : 10.01.2023

Reference: (CGITA) No- 65/2017

1. The Manager,
M/s GAIL (India) Ltd., Hazira Compressor Station,
Ichhapur-Magdalla Road,
PO-ONGCL Nagar,
Surat (Gujarat)-394518.

2. The Proprietor,
M/s Kamla Electricals Engineering Co.,
Amul Apartment, Ellora Park, Subhanpura,
Vadodara(Gujarat)-390023.

.....First Parties

V

Shri Kantibhai G. Patel,
8, Rajgiri, Jalaram Street,Post-Suvali,
Taluka-Choryasi,
Distt.-Surat (Gujarat)-394510.

.....Second Party

Adv. for the First Party employer : Shri B. K. Oza
Adv. for the Second Party workman : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/40/2005-IR(M) dated 20.07.2017 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of Shri Kantibhai G. Patel, Ex-contract workman employed in the establishment of GAIL (India) Ltd., Hazira, Surat through the Contractor M/s. Kamla Electricals Engineering Services, Vadodara for reinstatement in services w.e.f. 08.06.1993 with full back wages and regularisation in service is legal, proper and just? If so, to what relief the concerned workman Shri Kantibhai G. Patel is entitled to?”

1. Today, the matter was called out. First Party employer represented through Ld. Counsel Shri B. K. Oza. None responded for Second Party / Workman. The reference dates back to 20.07.2017. Notices Exh. 2 & Exh. 5 were issued to both the parties, wherein the parties were required to submit their pleadings. A period of over five years has elapsed, yet no statement of claim has been filed by the Second party as directed by the Ministry despite service on the workman vide acknowledgement Ex.6. It appears that the Second Party workman is not interested to proceed further in the matter.

2. The reference is accordingly disposed of in absence of statement of claim and evidence, with the observation that “the demand of Shri Kantibhai G. Patel, Ex-contract workman employed in the establishment of GAIL (India) Ltd., Hazira, Surat through the Contractor M/s. Kamla Electricals Engineering Services, Vadodara for reinstatement in service w.e.f. 08.06.1993 with full back wages and regularisation in service is not legal, proper and just. The concerned workman is not entitled for any relief.”

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of Industrial Disputes Act.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 9 फरवरी, 2023

का.आ. 161.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स अंबुजा सीमेंट लिमिटेड, गिर सोमनाथ (गुजरात) के प्रबंधन के संबद्ध नियोजकों और श्री राजन चंद्रकांत भट्ट, बड़ौदा (गुजरात) के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 82/2017) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.02.2023 को प्राप्त हुआ था।

[सं. एल-29012/38/2016-आईआर(एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 9th February, 2023

S.O. 161.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.82/2017) of the Central Government Industrial Tribunal cum Labour Court, Ahmedabad as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s Ambuja Cement Ltd., Gir Somnath (Gujarat) and Shri Rajan Chandrakant Bhatt, Baroda (Gujarat) which was received along with soft copy of the award by the Central Government on 09.02.2023.

[No. L-29012/38/2016-IR(M)]

D. K. HIMANSHU, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, AHMEDABAD**

Present :- SUNIL KUMAR SINGH-I, Presiding Officer,
CGIT cum Labour Court,
Ahmedabad,
Dated 5th January, 2023

Reference: (CGITA) No- 82/2017

The General Manager,
M/s. Ambuja Cement Ltd.,
Post : Ambujanagar, Taluka : Kodinar,
District : Gir Somnath, Gujarat – 362715.

.... First Party

V

Shri Rajan Chandrakant Bhatt,
T1/403, Natraj Enclave,
Near Jalaram Mandir,
Baroda, Gujara-390018.

....Second Party

Adv. for the First Party : Shri Anil S. Parikh
Adv. for the Second Party : Shri Sagar K. Mehta.

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-29012/38/2016-IR (M) dated 28.09.2017 referred the dispute for adjudication to the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“1. Whether the applicant Shri Rajan Chandrakant Bhatt even though he had no power of supervision and managerial functions, falls under the definition of workman under Industrial Dispute Act, 1947 ?

2. Whether the action of management of Ambuja Cement Ltd., Ambujanagar, Kodinar, District Gir Somnath in terminating the service of Shri Rajan Chandrakant Bhatt by way of compulsory retirement of VRS Scheme is legal and justified?

3. If so, to what relief the concerned applicant Shri Rajan Chandrakant Bhatt is entitled to?"

1. Today, the matter was called out. First Party is represented through Ld. Counsel Shri Anil Parikh. None responds for Second Party. The reference dates back to 28.09.2017. Notice Exh. 3 was issued by the Tribunal to both the parties, wherein the second party was asked to submit the statement of claim by 13.06.2018. Vakalatnama's were filed on behalf of both the parties as Ex.5 & Ex.6 respectively on 13.06.2018. A period of over four years has elapsed, yet no statement of claim has been filed as directed by the Ministry. It appears that the Second Party / workman is not interested to proceed further in the matter.

2. The reference is accordingly disposed of in absence of statement of claim and evidence with the observations that "1. the applicant Shri Rajan Chandrakant Bhatt even though he had no power of supervision and managerial functions, does not fall under the definition of workman under Industrial Dispute Act, 1947, 2. the action of management of Ambuja Cement Ltd., Ambujanagar, Kodinar, District Gir Somnath in terminating the service of Shri Rajan Chandrakant Bhatt by way of compulsory retirement of VRS Scheme is legal and justified and 3. The applicant Shri Rajan Chandrakant Bhatt is not entitled for any relief."

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of Industrial Disputes Act.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 9 फरवरी, 2023

का.आ. 162.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल वेयरहाउसिंग कॉर्पोरेशन, नई दिल्ली के प्रबंधन के संबद्ध नियोजकों और श्री महेन्द्र सिंह, कामगार, नई दिल्ली के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, नई दिल्ली के पंचाट (संदर्भ सं. 64/2020) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.02.2023 को प्राप्त हुआ था।

[सं. एल-42011/1/2020-आईआर(एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 9th February, 2023

S.O. 162.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 64/2020) of the Central Government Industrial Tribunal - cum -Labour Court-1, New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s Central Warehousing Corporation, New Delhi and Shri Mahender Singh, Worker, New Delhi which was received along with soft copy of the award by the Central Government on 09.02.2023.

[No. L-42011/1/2020-IR(M)]

D. K. HIMANSHU, Under Secy.

ANNEXURE
THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM -LABOUR COURT DELHI - 1
ROOM NO. 207, ROUSE AVENUE COURT COMPLEX,
NEW DELHI.

Present : Justice VIKAS KUNVAR SRIVASTAVA (Retd.), Presiding officer
CGIT, Delhi-1

ID No. 64/2020

Shri Mahender Singh,

Through Union of Central Warehousing Corporation
Employees, RZ-124, Vaishali, Dabri Palam Road,
New Delhi-110045.

...Claimant

Versus

The MD
M/s Central Warehousing Corporation,
4/1, Siri Institutional Area,
August Kranti Marg,
Hauz Khas, New Delhi-110016.

... Management

None for the claimant
Shri Ashok Kumar, AR for the management

AWARD

In the present case, a reference was received from the appropriate Government vide letter No.42011/1/2020-IR(M) dated 12.06.2020 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

“Whether the enquiry proceedings by Central Warehousing Corporation, New Delhi against the workman Sh.Mahender Singh, Lift Operator is vitiated ? If yes, what relief the workman is entitled to ?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Justice VIKAS KUNVAR SRIVASTAVA (Retd.), Presiding Officer

नई दिल्ली, 9 फरवरी, 2023

का.आ. 163.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयरपोर्ट अथॉरिटी ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री राजेश बी. निगाडे एंड ४ ऑथर्स, कामगार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, मुम्बई के पंचाट (कंप्लेंट न. सी.जी.आई.टी.-1/1 ऑफ़ 2007 अरिसिंग आउट ऑफ़ रेफरेंस सी.जी.आई.टी.-29 ऑफ़ 2003) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.02.2023 को प्राप्त हुआ था।

[सं. जेड -16025/03/2023-आईआर(एम)-I]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 9th February, 2023

S.O. 163.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Complaint No. CGIT-1/1 of 2007 Arising out of Ref. No.29 of 2003) of the Central Government Industrial Tribunal cum Labour Court-1, Mumbai as shown in the Annexure, in the Industrial dispute between the employers in relation to Airport Authority of India and Shri Rajesh B. Nigade and 4 others which was received along with soft copy of the award by the Central Government on 09.02.2023.

[No. Z-16025/03/2023-IR(M)-I]

D. K. HIMANSHU, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1 MUMBAI

Present:- Smt. PRANITA MOHANTY, Presiding Officer

COMPLAINT NO.CGIT-1/1 OF 2007

Arising out of Ref.CGIT-29 of 2003

Parties:	Rajesh B.Nigade and 4 others	Complainants
		vs	
	Airport Authority of India	Opp.. Party.

Appearances:

For the Opp. Party	:	Mrs. Geeta Raju, Adv
For the complainants	:	Absent.
State	:	Maharashtra

Mumbai, dated the 09th day of September, 2022

AWARD

1. This is a complaint filed under Section 33-A of the Industrial Disputes Act, 1947 by the complainants Rajesh B.Nigade and 4 others against the opposite party Airport Authority of India.

2. By the order dated 09.4.2007, notices were directed to be issued to the party to file its written statement on 09.5.2007.

3. On 09.5.2007, Mr.Jaiprakash Sawant, learned counsel for the Complainant and Mr.A.S.Patil learned counsel for the opposite party appeared. Mr.A.S.Patil filed his authority and prayed for time to file written statement. On 10.5.2007, written statement was filed by learned counsel for the opposite party and the case was adjourned for filing rejoinder.

4. Perusal of the record reveals that several dates were given to file rejoinder, documents and affidavit but nothing was filed by both the parties. On 17.2.2017, in the interest of justice last opportunity was granted for filing of affidavit failing which opportunity to produce evidence shall stand closed. No affidavit was filed by the complainants. Perusal of the record further reveals that from 20.3.2020 both the parties were absent till 03.8.2021.

5. On 20.7.2022, when the matter was taken up for hearing Mrs. Geeta Raju, learned counsel for the opp. Party is present but none appeared on behalf of the complainants and this Tribunal directed that the proceedings be held ex parte and the complainants workmen have been given a last chance for filing affidavit, evidence on the next date without fail on 01.9.2022, failing which, the complaint shall be dismissed.

6. On 01.9.2022, Mrs. Geeta Raju, learned counsel for the opp. Party is present but none was present on behalf of the complainants and the matter was fixed on 8.9.2022 for hearing.

7. On 8.9.2022, when the matter was taken up for hearing Mrs. Geeta Raju, learned counsel for the opp. Party is present but none is present on behalf of the complainants. No affidavit, or evidence has been filed on behalf of the complainants. In these circumstances, the case is dismissed.

8. Case is dismissed.

9. Copy of this Award may be sent to the Ministry for publication in Gazette of India.

PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 9 फरवरी, 2023

का.आ. 164.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गेल (इंडिया) लिमिटेड; मेसर्स पीताम्बरा कंस्ट्रक्शन, औरैया (यू.पी.) के प्रबंधन के संबद्ध नियोजकों और श्री उमेश चंद्र दीक्षित, कामगार, औरैया (यू.पी.) के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ सं.105/2018) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.02.2023 को प्राप्त हुआ था।

[सं. एल-30012/21/2018-आईआर(एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 9th February, 2023

S.O. 164.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.105/2018) of the Central Government Industrial Tribunal cum Labour Court, Kanpur as shown in the Annexure, in the Industrial dispute between the employers in relation to GAIL (India) Limited, M/s Pitambara Construction, Auraiya (U.P.); and Shri Umesh Chandra Dixit, Worker, Auraiya (U.P.) which was received along with soft copy of the award by the Central Government on 09.02.2023.

[No. L-30012/21/2018-IR(M)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

BEFORE SHRI SOMA SHEKHAR JENA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT KANPUR

Present:- SOMA SHEKHAR JENA, HJS (Retd.)

I.D. No. 105 of 2018

L-30012/21/2018-IR(M) dated 26.11.2018

BETWEEN

Shri Umesh Chandra Dixit,
S/o Late Lalmanin Dixit,
Village & Post-Sehud,
District-Auraiya (UP)

AND

1. The Executive Director,
M/s GAIL, Dibiyaipur,
District-Auraiya (UP)-206244
2. M/s Pitambara Construction,
Collectary Road, Dibiyaipur,
District-Auraiya (UP)-206244

AWARD

This award arises in respect of the reference mentioned in the schedule stated below as received from the Government of India, Ministry of Labour in letter No. L-30012/21/2018-IR(M) dated 26.11.2018

SCHEDULE

‘Whether the action taken by M/s Pitamabara Construction, contractor/ the management of GAIL, Auraiya in terminating the services of Shri Umesh Chandra Dixit, w.e.f 30.09.2016 & not regularizing the employment of th Umeh Chandra Dixit, w.e.f 30.09.2016 is just fair and legal? If not, to what relief the workman concerned is entitled to?’

On receipt of notification, notices were issued to the parties on 18th December 2018 fixing 30.01.2019 for filing of statement of claim. The claimant workman was present but failed to file statement of claim. Afterwards several dates were fixed for filing of statement of claim by the claimant workman.

On perusal of the record it is found that though several dates were fixed for filing the statement of claim none appeared on behalf of the claimant workman before the Tribunal. Despite ample opportunities to the claimant workman for submitting statement of claim; the claimant workman failed to present the case before the Tribunal. Later the case was reserved for final award for non-appearance of the claimant workman.

From the aforesaid circumstances it is presumable that the union and claimant workman are not interested in prosecuting the case further before the Tribunal.

Hence in the given circumstances the reference stands disposed of as of ‘NIL’ award.

Parties are left to bear their respective costs.

Date: 21.12.2022

SOMA SHEKHAR JENA, Presiding Officer

नई दिल्ली, 9 फरवरी, 2023

का.आ. 165.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल वेयरहाउसिंग कॉर्पोरेशन, लखनऊ (यू.पी.) के प्रबंधन के संबद्ध नियोजकों और केन्द्रीय भण्डारागन निगम पल्लेदार संघ, लखनऊ (यू.पी.) के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ सं. 103/2010) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.02.2023 को प्राप्त हुआ था।

[सं. एल-42011/2/1999-आईआर(एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 9th February, 2023

S.O. 165.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 103/2010) of the Central Government Industrial Tribunal cum Labour Court, Kanpur as shown in the Annexure, in the Industrial dispute between the employers in relation to Central Warehousing Corporation, Lucknow (U.P.) and Kendriya Bhandaragan Nigam Palledar Sangh, Lucknow (U.P.) which was received along with soft copy of the award by the Central Government on 09.02.2023.

[No. L-42011/2/1999-IR(M)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

BEFORE SHRI SOMA SHEKHAR JENA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT KANPUR

Present:- SOMA SHEKHAR JENA, HJS (Retd.)

I.D. No. 103 of 2010

L-42011/2/99-IR(M) dated 01.11.2010

BETWEEN

The General Secretary,
Kendriya Bhandaragan Nigam Palledar Sangh,
E-5179 Avas Vikas Colony,

Rajaji Puram, Lucknow

AND

The Regional Manager,
Central Warehousing Corporation,
Regional Office ,Vibhuti Khand ,
Gomti Nagar, Lucknow

AWARD

This award arises in respect of the reference mentioned in the schedule stated below as received from the Government of India, Ministry of Labour and Employment in notification no. L-42011/2/99-IR(M) dated 01.11.2010

SCHEDULE

“Whether the action of the management of Central Warehousing Corporation in terminating the services of workmen(List enclosed) is legal and justified ? What relief the workmen are entitled to and from which date?”

It is claimed by the claimant (Dan Bahadur) on behalf of himself and 77 other workers that they had been working in the Central Warehousing Corporation (here in after stated in short as CWC) go down as Palledars. It is stated that originally they were engaged through one contractor though CWC was their principal employer and it was CWC which was getting the work from the claimants through name sake contractors. CWC was exercising supervisory authority over the work of the claimants working as palledars. From 1994 till 1998 there was no contractor engaged by the CWC but the claimants as palledar had been doing work of the CWC. It is averred that in 1998 the CWC authorities without complying the mandatory provisions of the section 25(F) of the ID act disengaged the claimants from the job of the palledars. It is claimed by the claimants that the contract with the contractor was mere camouflage adopted by the CWC and the claimants are entitled for absorption and regularization on the permanent jobs of the CWC under the provision of Contract Labour Regularization and Abolition Act 1970. The claimants claimed that they were doing work for the CWC which was regular and perennial in nature. O.P. side (CWC) has submitted the written statement denying any master servant relationship with the claimants. It is further averred that the claimants were engaged by the contractor and the O.P. had no relationship with the claimants as their employer. It is further stated that there were no posts of palledars in the establishments of CWC. The claimants are illegally trying to get absorbed on the job roll of the O.P. through back door entry. It is stated by the O.P. that even with abolition of contract labour the O.Ps are not legally entitled for regularization on the job of the O.P. In the rejoinder the claimants have reiterated their averments and claim for regularization and claim for regularization against the O.P. For adjudication of this Industrial Dispute Act the following points for determination are to be answered:-

1. Whether in view of the evidence adduced by the parties before this Tribunal the Central Warehousing Corporation(herein after stated in short as C.W.C.) can be held as the real principal employer of 78 claimants workers.

2. Whether the 78 claimants workmen are legally entitled for absorption and regularization on the job by O.P. CWC. For the sake of convenience of discussions point no.1 and point no.2 are taken up for synchronous discussions. Witness Dan Bahadur claims that he and the 77 other workmen had worked for the O.P. management from 1981 onwards under contractor with the O.P. who terminated them. But he and other 77 workers continuously worked for the (CWC) as palledars. It is vehemently contended by the claimants that the contract by the O.P. with the contractor engaging them was sham and camouflage and he and the 77 claimants workmen were doing the work for the O.P. which was perennial in nature and as such he and 77 claimants were legally entitled for regularization on the jobs of the O.P. establishment. At this point it appears pertinent to state that the claimant is General Secretary of the registered trade union under name Kendriya Bandar Nigam palledar sangh as found from the copy of the registration certificate. Though the claimant claims that they were the workers working in the establishment of the O.P. engaged through contractors no strong documentary evidence has been produced by the claimant establishing that the claimants each had actually worked for 240 days prior to alleged termination 1998 or before 1994 for the warehouse of the O.P. The deposition of the witness Dan Bahadur without strong supportive evidence can be treated as self serving weak evidence with which the claims of the claimants workmen that they were working in the warehouse for doing the regular perennial job cannot be held to be unshattered and unblemished evidence to bolster up their claim. It may be correct that the Hon'ble Allahabad High Court in MISC SINGLE NO.07 OF 2001 directed the Union of India to make the reference under section 2(K) of the ID act 1947 but the same appears to be inadequate for establishing that claimants were doing job of perennial nature. At this point it appears relevant to state that the claimants have claimed that as the contract labour was abolished they automatically became the employees of the of the principal employer(CWC). The claimants have relied of the case law Air India Statutory Corporation v/s United Labour Union and Ors.(Pronounced by the Hon'ble Supreme Court of India)

pronounced on 6 November 1996, Umralla Gram Panchayat v/s The Sec. Municipal Employees Union (Pronounced by the Supreme Court of India on 27 March 2015), The Workman of Best & Crompton v/s The Management of Best & Crompton on November 8, 1984, (1991) 2 GLR 1354 Gujarat Majdoor Panchayat v/s State of Gujarat and Ors. On 26 June 1991. At this point it appears apposite to state that in all the aforesaid case laws the claimants were found to have been actually doing the job of perennial nature. In the instant case the aforesaid case laws may not go in favour of the claimants on the ground that the (CWC) is governed by its own rules of recruitment which cannot be winked at. The copy of the technical bill papers contain the following (a) and (b) paras which are stated as here under:

Liability for Personnel:

(a) All persons employed by the contractors shall be engaged by them as their own employees/workers in all respects and the responsibility under the Workmen's Compensation Act 1961; Contract Labour (Regulation & Abolition) Act 1970; Payment of Gratuity Act 1972; Equal Remuneration Act 1976; ESI Act 1948; Minimum wages Act 1948 or any other similar enactments and rules made that of the contractor. The contractor shall be bound to indemnify the Corporation against all claims whatsoever, in respect of the said personnel under the Workmen's Compensation Act, 1923 or any statutory modification thereof, or otherwise for in respect of any damage or compensation payable in consequence of any accident or injury sustained by any workmen or other person whether in employment of the contractor or not.

(b) The contractor shall be liable for making contributions in accordance with the provisions of the Employees Provident Funds Act, 1952 and the scheme framed there-under in respect of the labour employed by him. The contractor shall recover the amount payable by such employees and deposit the same with concerned PF authorities. The contractor shall enclose the copy of Challan form to the principal employer failing which the H&T bills will not be cleared. If, on account of the default of the contractor in making such payment or for any other reason, the corporation makes such contributions on behalf of the contractor, the CWC shall be entitled to set off against the amount due to the contractor, the contributions made by it including penalty, if any on account of his default in making payments or otherwise in respect of the labour employed by the contractor. It is fallacious to state that when contract labour is abolished. The contract workers automatically become the employees of the principal employer. By common sense also it can be said that in warehouse of (CWC) the contract labour do the work which may not be of perennial nature. It has been pointed by the O.P. management that there was no post of palledar in the establishment of CWC which otherwise weakens the claim of the claimant that they have legal right for absorption. Though the contract labour do work under the supervision of the officers of the principal employer for that reason the contract labour cannot be reckoned as employees of the principal employer (case law) International Airport authority of India and International Air cargo workers union and oth. (2009) (123) FLR (321) 2008 (119 FLR 589) Steel Authority of India limited & another and state of west Bengal & others. In view of the discussion stated above it can be logically concluded that the claimant workmen are not legally entitled for absorption and regularization in the jobs of the O.P. (CWC) Management. The point no.2 is answered against the claimants. In view of the forgoing discussions the claimants are not legally entitled for regularization on the jobs of the O.P. CWC (Central Warehousing Corporation). Award is passed accordingly.

Parties are left to bear their respective costs.

Date: 10.01.2023

SOMA SHEKHAR JENA, Presiding Officer

नई दिल्ली, 9 फरवरी, 2023

का.आ. 166.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गेल (इंडिया) लिमिटेड, औरैया के प्रबंधन के संबद्ध नियोजकों और श्री मुकेश बाबू, कामगार, इटावा के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ सं. 21/2020) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.02.2023 को प्राप्त हुआ था।

[सं. जेड-16025/04/2023-आईआर (एम)-I]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 9th February, 2023

S.O. 166.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.21/2020) of the Central Government Industrial Tribunal cum Labour Court, Kanpur as shown in the Annexure, in the Industrial dispute between the employers in relation to

GAIL (India) Limited, Auraiya (U.P.) and Shri Mukesh Babu, Worker, Etawah which was received along with soft copy of the award by the Central Government on 09.02.2023.

[No. Z-16025/04/2023-IR(M)-I]
D. K. HIMANSHU, Under Secy.

ANNEXURE

BEFORE SHRI SOMA SHEKHAR JENA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT KANPUR

Present:- SOMA SHEKHAR JENA, HJS (Retd.)

I.D. No. 21 of 2020

No. K-10/2-2/2020-IR dated 22.06.2020

BETWEEN

Shri Mukesh Babu S/o Shri Putai Lal,
Village- Mahanepur, PO: Chitbhawan,
Distt- Etawah-206003(UP)

AND

The Executive Director,
GAIL(India) Limited,
PO: Pata, Vill-Dibiyapur,
Distt-Auraiya-206244 (U.P)

AWARD

This award arises in respect of the reference mentioned in the schedule stated below as received from the Office of Dy. Chief Labour Commissioner (Central), Kanpur in letter No. K-10/2-2/2020-IR dated 22.06.2020

SCHEDULE

1. **“Whether the action of management of GAIL(India) Limited, Pata, District Auraiya, retrenching the services of Shri Mukesh Babu s/o Shri Putai Lal without complying with the provisions of Section 25 F of Industrial Disputes Act, 1947 is just, fair and legal? If not, to what relief the concerned workman is entitled to and from which date?”**

On receipt of notification, notices were issued to both the parties on 24th July 2020 fixing 14.08.2020 for filing of statement of claim. The claimant workman failed to file statement of claim on the date fixed. Afterwards several dates were fixed for filing of statement of claim by the claimant workman but he failed to file statement of claim.

On perusal of the record it is found that though several dates were fixed for filing of statement of claim none appeared on behalf of the claimant workman before this Tribunal. Despite ample opportunities to claimant workman for submitting statement of claim; the claimant workman failed to present the case before the Tribunal. Later the case was reserved for final award for non-appearance claimant workman.

From the aforesaid circumstances it is presumable that the claimant workman is not interested in prosecuting the case further before the Tribunal.

Hence in the given circumstances the reference stands disposed of as of ‘NIL’ award.

Parties are left to bear their respective costs.

Date: 26.12.2022

SOMA SHEKHAR JENA, Presiding Officer

नई दिल्ली, 9 फरवरी, 2023

का.आ. 167.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स गेल (इंडिया) लिमिटेड, सूरत (गुजरात); मेसर्स कमला इलेक्ट्रिकल्स इंजीनियरिंग कंपनी, सूरत (गुजरात) के प्रबंधन के संबंधित नियोजकों और श्रीमती वर्षाबेन पटेल, कामगार, सूरत (गुजरात) के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 63/2017) को

जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.02.2023 को प्राप्त हुआ था।

[सं. एल-30012/37/2005-आईआर(एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 9th February, 2023

S.O. 167.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 63/2017) of the Central Government Industrial Tribunal cum Labour Court, Ahmedabad as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s GAIL (India) Limited, Surat (Gujarat); M/s Kamla Electricals Engineering Company, Vadodara (Gujarat) and Smt. Varshaben Patel, Surat (Gujarat) which was received along with soft copy of the award by the Central Government on 09.02.2023.

[No. L-30012/37/2005-IR(M)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, AHMEDABAD

Present:-SUNIL KUMAR SINGH-I, Presiding Officer

CGIT cum Labour Court,

Ahmedabad,

Dated : 10.01.2023

Reference: (CGITA) No- 63/2017

1. The Mnager,
M/s GAIL (India) Ltd., Hazira Compressor Station,
Ichhapur-Magdalla Road,
PO-ONGCL Nagar,
Surat (Gujarat)-394518.

2. The Proprietor,
M/s Kamla Electricals Engineering Co.,
Amul Apartment, Ellora Park, Subhanpura,
Vadodara(Gujarat)-390023.

.... First Parties

V

Smt. Varshaben Patel,
Widow of (late) Mohanbhai A. Patel,
At & Post-Vansva, Mata Faliya,
Taluka-Choryasi,
Distt.-Surat (Gujarat)-394510.

... Second Party

Adv. for the First Party employer : Shri B. K. Oza

Adv. for the Second Party workman : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/37/2005-IR(M) dated 20.07.2017 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of Smt. Varshaben Patel, Widow of (late) Mohanbhai A. Patel for payment of back wages from 08.06.1993 to till the death i.e. 14.05.2013 to her husband late Mohanbhai A. Patel, Ex-contract workman employed in the establishment of GAIL (India) Ltd., Hazira, Surat through the Contractor M/s. Kamla Electricals Engineering Services, Vadodara is legal, proper and just? If so, to what relief Smt. Varshaben Patel is entitled to?”

1. Today, the matter was called out. First Party employer represented through Ld. Counsel Shri B. K. Oza. None responded for Second Party / Workman. The reference dates back to 20.07.2017. Notices Exh. 2 & Exh. 6 were issued to both parties, wherein the parties were asked to submit their respective claims under reference. A period of over five years has elapsed, yet no statement of claim has been filed as directed by the Ministry. It appears that the Second Party workman is not interested to proceed further in the matter.

2. The reference is accordingly disposed of in absence of statement of claim and evidence, with the observation that “the demand of Smt. Varshaben Patel, Widow of (late) Mohanbhai A. Patel for payment of back wages from 08.06.1993 to till the death i.e. 14.05.2013 to her husband late Mohanbhai A. Patel, Ex-contract workman employed in the establishment of GAIL (India) Ltd., Hazira, Surat through the Contractor M/s. Kamla Electricals Engineering Services, Vadodara is not legal, proper and just. The concerned workman is not entitled for any relief.”

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of Industrial Disputes Act.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 9 फरवरी, 2023

का.आ. 168.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स गेल (इंडिया) लिमिटेड, सूरत (गुजरात); मेसर्स कमला इलेक्ट्रिकल्स इंजीनियरिंग कंपनी, सूरत (गुजरात) के प्रबंधन के संबद्ध नियोजकों और श्री बाबूभाई जे. पटेल, कामगार, सूरत (गुजरात) के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 64/2017) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.02.2023 को प्राप्त हुआ था।

[सं. एल-30012/38/2005-आईआर(एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 9th February, 2023

S.O. 168.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.64/2017) of the Central Government Industrial Tribunal cum Labour Court, Ahmedabad as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s GAIL (India) Limited, Surat (Gujarat); M/s Kamla Electricals Engineering Company, Vadodara (Gujarat) and Shri Babubhai J. Patel, Surat (Gujarat) which was received along with soft copy of the award by the Central Government on 09.02.2023.

[No. L-30012/38/2005-IR(M)]

D. K. HIMANSHU, Under Secy.

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM -LABOUR COURT,
AHMEDABAD**

Present:-SUNIL KUMAR SINGH-I, Presiding Officer,
CGIT cum Labour Court,
Ahmedabad,
Dated : 10.01.2023

Reference: (CGITA) No- 64/2017

1. The Manager,
M/s GAIL (India) Ltd., Hazira Compressor Station,
Ichhapur-Magdalla Road,
PO-ONGCL Nagar,
Surat (Gujarat)-394518.

2. The Proprietor,

M/s Kamla Electricals Engineering Co.,
Amul Apartment, Ellora Park, Subhanpura,
Vadodara(Gujarat)-390023.

... First Parties

V

Shri Babubhai J. Patel,
At & Post-Vansva, Rameshwar Street,
Taluka-Choryasi,
Distt.-Surat (Gujarat)-394510.

.....Second Party

Adv. for the First Party employer : Shri B. K. Oza

Adv. for the Second Party workman : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/38/2005-IR(M) dated 20.07.2017 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of Shri Babubhai J. Patel, Ex-contract workman employed in the establishment of GAIL (India) Ltd., Hazira, Surat through the Contractor M/s. Kamla Electricals Engineering Services, Vadodara for reinstatement in service w.e.f. 08.06.1993 with full back wages and regularisation in service is legal, proper and just? If so, to what relief the concerned workman Babubhai J. Patel is entitled to?”

1. Today, the matter was called out. First Party employer represented through Ld. Counsel Shri B. K. Oza. None responded for Second Party / Workman. The reference dates back to 20.07.2017. Notice Exh. 2 was issued to the parties, wherein the parties were asked to submit their pleadings. A period of over five years has elapsed, yet no statement of claim has been filed as directed by the Ministry. It appears that the Second Party workman is not interested to proceed further in the matter.

2. The reference is accordingly disposed of in absence of statement of claim and evidence, with the observation that “the demand of Shri Babubhai J. Patel, Ex-contract workman employed in the establishment of GAIL (India) Ltd., Hazira, Surat through the Contractor M/s. Kamla Electricals Engineering Services, Vadodara for reinstatement in service w.e.f. 08.06.1993 with full back wages and regularisation in service is not legal, proper and just. The concerned workman is not entitled for any relief. ”

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of Industrial Disputes Act.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 9 फरवरी, 2023

का.आ. 169.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स 4515, भलेंदर सिंह बरार सिक्योरिटी एजेंसी, जीरकपुर (पंजाब); सेंट्रल वेयर हाउसिंग कारपोरेशन, अमृतसर (पंजाब) के प्रबंधन के संबद्ध नियोजकों और श्री जसवीर सिंह, कामगार, अमृतसर (पंजाब) के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ सं. 181/2018) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.02.2023 को प्राप्त हुआ था।

[सं. जेड-16025/04/2023-आईआर(एम)-5]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 9th February, 2023

S.O. 169.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.181/2018) of the Central Government Industrial Tribunal cum Labour Court-1, Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in

relation to M/s 4515, Bhalinder Singh Brar Security Agency, Zirakpur (Punjab); Central Ware Housing Corporation, Attari Amritsar (Punjab) and Shri Jasbir Singh, Worker, Amritsar (Punjab) which was received along with soft copy of the award by the Central Government on 09.02.2023.

[No. Z-16025/04/2023-IR(M)-5]

D. K. HIMANSHU, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. J.K. TRIPATHI, Presiding Officer

ID No.181/2018

Registered on:-29.03.2019

(Directly filed Under Section 2A)

Sh. Jasbir Singh S/o Sh. Mohinder Singh,
aged 52 years, R/o Village Rattan Kalan,
P.O. Mode, Amritsar-143001.

... Workman

Versus

1. M/s 4515, Bhalinder Singh Brar Security Agency,
through its Proprietor Col. Bhalinder Singh Brar,
SCF-33, 1st Floor, VIP Road-Zirakpur-140603

2. The Manager, Central Ware Housing
Corporation Integrated Check Post,
Attari Amritsar-143001.

... Respondents/Managements

Appearance :-

For the Workman
For the Respondents

None for Workman
None for Respondent No.1
None for Respondent No.2

Award

Passed On:-15.12.2022

1. The workman Sh. Jasbir Singh S/o Sh. Mohinder Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947 (hereinafter called the Act). It is stated in the claim statement that the workman joined as Security Guard in the management Corporation on 23.03.2012 by positive mode of selection through Contractor on consolidated rate basis i.e.Rs. 5700 + DA, HRA, CPF etc. It has also been stated that, the interview was conducted by the management/respondents and it is after verification of documents like PPO, discharge book, pension book etc.. and medical and police verification, the workman was joined. There was regular deduction of CPF from the salary of the workman and his wages were regularly transferred to his Bank account by the management. It has been stated that Management No.1, terminated the service of the workman w.e.f. 30.09.2018, without any notice or retrenchment compensation against the provision of ID Act, 1947. Workman filed his claim statement with a prayer to reinstate the workman into service w.e.f. 30.09.2018, with all consequential benefits like back wages and arrears thereof with 12% interest of seniority and continuity etc.

2. Management filed written statement and stated that claim is liable to be dismissed as no cause of action has arisen in favour of the applicant-workman to institute the instant claim. Contract of M/s Bhalinder Singh Brar Agency with Central warehousing Corporation commenced only from 01 May 2018, any date prior to 01 May 2018 is not applicable. It has been stated in the written statement that business in form of a Security Agency sponsored through Govt. of India, Ministry of Defence, Director General Resettlement on 07 Sep 2017. Thereafter, the respondent applied for a license to run a Security Agency in Punjab under PSARA 2005 (Private Security Agencies Regulation Act) and Punjab Private Security Agencies Rules, 2007. Furthermore, the Security Agencies enter into a contract of 2 years with CWC, Chandigarh. The individual was under contract but failed to report on duty after 153 (5 calendar months) of contract. It has also been stated that there was no date of termination as the individual had abandoned his area of work w.e.f. 30 Sep 2018, without intimation to Security Agency which had employed him. It has also been mentioned in the written statement

that Sh. Jasbir Singh S/o Mohinder Singh is constructed on baseless presumptions, deceit and needs to be dismissed.

3. At the stage workman has given several opportunities but, none turned up on behalf of the workman, which shows that workman is not interested in adjudication of the case on merit. As such this Tribunal is left with no alternative except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the instant ID No.181/2018.

4. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

JYOTI KUMAR TRIPATHI, Presiding Officer

नई दिल्ली, 9 फरवरी, 2023

का.आ. 170.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स 4515, भल्लिंदर सिंह बरार सिक्योरिटी एजेंसी, जीरकपुर (पंजाब); सेंट्रल वेयर हाउसिंग कारपोरेशन, अमृतसर (पंजाब) के प्रबंधन के संबद्ध नियोजकों और श्री लखबीर सिंह, कामगार, अमृतसर (पंजाब) के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ सं. 180/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.02.2023 को प्राप्त हुआ था।

[सं. जेड-16025/04/2023-आईआर(एम)-4]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 9th February, 2023

S.O. 170.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.180/2018) of the Central Government Industrial Tribunal cum Labour Court-1, Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s 4515, Bhalinder Singh Brar Security Agency, Zirakpur (Punjab); Central Ware Housing Corporation, Attari Amritsar (Punjab) and Shri Lakhbir Singh, Worker, Amritsar (Punjab) which was received along with soft copy of the award by the Central Government on 09.02.2023.

[No. Z-16025/04/2023-IR(M)-4]

D. K. HIMANSHU, Under Secy.

**ANNEXURE
IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.**

Present: Sh. J.K. TRIPATHI, Presiding Officer

ID No. 180/2018

Registered on:-29.03.2019

(Directly filed Under Section 2A)

Sh. Lakhbir Singh S/o Sh. Mohinder Singh,
aged 58 years, R/o Village Rattan Kalan,
P.O. Mode, Amritsar-143001

....Workman

Versus

1. M/s 4515, Bhalinder Singh Brar Security Agency, through its Proprietor Col. Bhalinder Singh Brar, SCF-33, 1st Floor, VIP Road-Zirakpur-140603
2. The Manager, Central Ware Housing Corporation Integrated Check Post, Attari Amritsar-143001.Respondents/Managements

Appearance

For the Workman
For the Respondents

None for Workman
None for Respondent No.1
None for Respondent No.2

AWARD

Passed On:-15.12.2022

1. The workman Sh. Lakhbir Singh S/o Sh. Mohinder Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947 (hereinafter called the Act). It is stated in the claim statement that the workman joined as Security Guard in the management Corporation on 23.03.2012 by positive mode of selection through Contractor on consolidated rate basis i.e.Rs.5700 + DA, HRA, CPF etc. It has also been stated that the interview was conducted by the management/respondents and it is after verification of documents like PPO, discharge book, pension book etc and medical and police verification, the workman was joined. There was regular deduction of CPF from the salary of the workman and his wages were regularly transferred to his Bank account by the management. It has been stated that Management No.1, terminated the service of the workman w.e.f. 30.09.2018, without any notice or retrenchment compensation against the provision of ID Act, 1947. Workman filed his claim statement with a prayer to reinstate the workman into service w.e.f. 30.09.2018, with all consequential benefits like back wages and arrears thereof with 12% interest of seniority and continuity etc.

2. Management filed written statement and stated that claim is liable to be dismissed as no cause of action has arisen in favour of the applicant-workman to institute the instant claim. Contract of M/s Bhalinder Singh Brar Agency with Central warehousing Corporation commenced only from 01 May 2018, any date prior to 01 May 2018 is not applicable. It has been stated in written statement that the business in form of a Security Agency sponsored through Govt. of India, Ministry of Defence, Director General Resettlement on 07 Sep 2017. Thereafter, the respondent applied for a license to run a Security Agency in Punjab under PSARA 2005 (Private Security Agencies Regulation Act) and Punjab Private Security Agencies Rules, 2007. Furthermore, the Security Agencies enter into a contract of 2 years with CWC, Chandigarh. The individual was under contract but failed to report on duty after 153 (5 calendar months) of contract. It has also been stated that there was no date of termination as the individual had abandoned his area of work w.e.f. 30 Sep 2018, without intimation to Security Agency which had employed him. It has also been mentioned in the written statement that Sh. Lakhbir Singh S/o Mohinder Singh is constructed on baseless presumptions, deceit and needs to be dismissed.

3. At the stage workman has given several opportunities but, none turned up on behalf of the workman, which shows that workman is not interested in adjudication of the case on merit. As such this Tribunal is left with no alternative except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the instant ID No.180/2018.

4. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

JYOTI KUMAR TRIPATHI, Presiding Officer

नई दिल्ली, 9 फरवरी, 2023

का.आ. 171.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स 4515, भल्लिंदर सिंह बरार सिक्योरिटी एजेंसी, जीरकपुर (पंजाब); सेंट्रल वेयर हाउसिंग कारपोरेशन, अमृतसर (पंजाब) के प्रबंधन के संबद्ध नियोजकों और श्री बालकर सिंह, कामगार, टारन तरन (पंजाब) के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ केपंचाट (संदर्भ संख्या 179/2018) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.02.2023 को प्राप्त हुआ था।

[सं. जेड -16025/04/2023-आईआर(एम)-3]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 9th February, 2023

S.O. 171.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.179/2018) of the Central Government Industrial Tribunal cum Labour Court-1, Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s 4515, Bhalinder Singh Brar Security Agency, Zirakpur (Punjab); Central Ware Housing Corporation, Attari Amritsar (Punjab) and Shri Balkar Singh, Worker, Tarn Taran (Punjab) which was received along with soft copy of the award by the Central Government on 09.02.2023.

[No. Z-16025/04/2023-IR(M)-3]

D. K. HIMANSHU, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. J.K. TRIPATHI, Presiding Officer

ID No.179/2018

Registered on:-29.03.2019

(Directly filed Under Section 2A)

Sh. Balkar Singh S/o Sh. Avtar Singh,
aged 40 years, R/o Village Kalsian Khurd,
P.O. Khalara, Tarn Taran (Punjab)

....Workman

Versus

1. M/s 4515, Bhalinder Singh Brar Security Agency,
through its Proprietor Col. Bhalinder Singh Brar,
SCF-33, 1st Floor, VIP Road-Zirakpur-140603

2. The Manager, Central Ware Housing
Corporation Integrated Check Post,
Attari Amritsar-143001.

... Respondents/Managements

Appearance

For the Workman
For the Respondents

None for Workman
None for Respondent No.1
None for Respondent No.2

AWARD

Passed On:-15.12.2022

1. The workman Sh. Balkar Singh S/o Sh. Avtar Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947 (hereinafter called the Act). It is stated in the claim statement that the workman joined as Security Guard in the management Corporation on 20.10.2017 by positive mode of selection through Contractor on consolidated rate basis i.e.Rs.18,524 + DA, HRA, CPF etc. It has also been stated that the interview was conducted by the management/respondents and it is after verification of documents like PPO, discharge book, pension book etc and medical and police verification, the workman was joined. There was regular deduction of CPF from the salary of the workman and his wages were regularly transferred to his Bank account by the management. It has been stated that Management No.1, terminated the service of the workman w.e.f. 30.09.2018, without any notice or retrenchment compensation against the provision of ID Act, 1947. Workman filed his claim statement with a prayer to reinstate the workman into service w.e.f. 30.09.2018, with all consequential benefits like back wages and arrears thereof with 12% interest of seniority and continuity etc.

2. Management filed written statement and stated that claim is liable to be dismissed as no cause of action has arisen in favour of the applicant-workman to institute the instant claim. Contract of M/s Bhalinder Singh Brar Agency with Central warehousing Corporation commenced only from 01 May 2018, any date prior to 01 May 2018 is not applicable. It has been stated in written statement that the business in form of a Security Agency sponsored through Govt. of India, Ministry of Defence, Director General Resettlement on 07 Sep 2017. Thereafter, the respondent applied for a license to run a Security Agency in Punjab under PSARA 2005 (Private Security Agencies Regulation Act) and Punjab Private Security Agencies Rules, 2007. Furthermore, the Security Agencies enter into a contract of 2 years with CWC, Chandigarh. The individual was under contract but failed to report on duty after 153 (5 calendar months) of contract. It has also been stated that there was no date of termination as the individual had abandoned his area of work w.e.f. 30 Sep 2018, without intimation to Security Agency which had employed him. It has also been mentioned in the written statement that Sh. Balkar Singh S/o Avtar Singh is constructed on baseless presumptions, deceit and needs to be dismissed.

3. At the stage workman has given several opportunities but, none turned up on behalf of the workman, which shows that workman is not interested in adjudication of the case on merit. As such this Tribunal is left with no alternative except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the instant ID No.179/2018.

4. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

JYOTI KUMAR TRIPATHI, Presiding Officer

नई दिल्ली, 9 फरवरी, 2023

का.आ. 172.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स 4515, भल्लिंदर सिंह बरार सिक्योरिटी एजेंसी, जीरकपुर (पंजाब); सेंट्रल वेयर हाउसिंग कारपोरेशन, अमृतसर (पंजाब) के प्रबंधन के संबद्ध नियोजकों और श्री परगत सिंह, कामगार, अमृतसर (पंजाब) के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, चंडीगढ़ के पंचाट (संदर्भ सं. 178/2018) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.02.2023 को प्राप्त हुआ था।

[सं. जेड-16025/04/2023-आईआर (एम)-2]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 9th February, 2023

S.O. 172.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.178/2018) of the Central Government Industrial Tribunal cum Labour Court-1, Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s 4515, Bhalinder Singh Brar Security Agency, Zirakpur (Punjab); Central Ware Housing Corporation, Attari Amritsar (Punjab) and Shri Pargat Singh, Worker, Amritsar (Punjab) which was received along with soft copy of the award by the Central Government on 09.02.2023.

[No. Z-16025/04/2023-IR(M)-2]

D. K. HIMANSHU, Under Secy.

**ANNEXURE
IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.**

Present: Sh. J.K. TRIPATHI, Presiding Officer

ID No. 178/2018

Registered on:-29.03.2019

(Directly filed Under Section 2A)

Sh. Pargat Singh S/o Sh. Pishora Singh,
aged 52 years, R/o Village Dalleke,
P.O. Sgahura, Tehsil Ajnala, Amritsar-143001

...Workman

Versus

1. M/s 4515, Bhalinder Singh Brar Security Agency,
through its Proprietor Col. Bhalinder Singh Brar, SCF-33,
1st Floor, VIP Road-Zirakpur-140603
2. The Manager, Central Ware Housing Corporation
Integrated Check Post,
Attari Amritsar-143001.

... Respondents/Managements

Appearance

For the Workman
For the Respondents

None for Workman
None for Respondent No.1
None for Respondent No.2

AWARD**Passed On:-15.12.2022**

1. The workman Sh. Pargat Singh S/o Sh. Pishora Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947 (hereinafter called the Act). It is stated in the claim statement that the workman joined as Security Guard in the management Corporation on 23.03.2012 by positive mode of selection through Contractor on consolidated rate basis i.e.Rs.5700 + DA, HRA, CPF etc. It has also been stated that, the interview was conducted by the management/respondents and it is after verification of documents like PPO, discharge book, pension book etc.. and medical and police verification, the workman was joined. There was regular deduction of CPF from the salary of the workman and his wages were regularly transferred to his Bank account by the management. It has been stated that Management No.1, terminated the service of the workman w.e.f. 30.09.2018, without any notice or retrenchment compensation against the provision of ID Act, 1947. Workman filed his claim statement with a prayer to reinstate the workman into service w.e.f. 30.09.2018, with all consequential benefits like back wages and arrears thereof with 12% interest of seniority and continuity etc.

2. Management filed written statement and stated that claim is liable to be dismissed as no cause of action has arisen in favour of the applicant-workman to institute the instant claim. Contract of M/s Bhalinder Singh Brar Agency with Central warehousing Corporation commenced only from 01 May 2018, any date prior to 01 May 2018 is not applicable. It has been stated in the written statement that business in form of a Security Agency sponsored through Govt. of India, Ministry of Defence, Director General Resettlement on 07 Sep 2017. Thereafter, the respondent applied for a license to run a Security Agency in Punjab under PSARA 2005 (Private Security Agencies Regulation Act) and Punjab Private Security Agencies Rules, 2007. Furthermore, the Security Agencies enter into a contract of 2 years with CWC, Chandigarh. The individual was under contract but failed to report on duty after 153 (5 calender months) of contract. It has also been stated that there was no date of termination as the individual had abandoned his area of work w.e.f. 30 Sep 2018, without intimation to Security Agency which had employed him. It has also been mentioned in the written statement that Sh. Pargat Singh S/o Pishora Singh is constructed on baseless presumptions, deceit and needs to be dismissed.

3. At the stage workman has given several opportunities but, none turned up on behalf of the workman, which shows that workman is not interested in adjudication of the case on merit. As such this Tribunal is left with no alternative except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the instant ID No.178/2018.

4. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

JYOTI KUMAR TRIPATHI, Presiding Officer

नई दिल्ली, 9 फरवरी, 2023

का.आ. 173.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स ए.पी.पी. एंटरप्राइज; सेल ग्रोथ वर्क्स के प्रबंधन के संबद्ध नियोजकों और श्री जंग बहादुर सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ सं. 02/2014) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 09.02.2023 को प्राप्त हुआ था।

[सं. जेड-16025/04/2022-आईआर(एम)-6]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 9th February, 2023

S.O. 173.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 02/2014) of the Central Government Industrial Tribunal cum Labour Court, Asansol as shown in the Annexure, in the Industrial dispute between the employers in relation to M/s A.P.P. Enterprise; SAIL Growth Works and Shri Jang Bahadur Singh, Worker, which was received along with soft copy of the award by the Central Government on 09.02.2023.

[No. Z-16025/04/2023-IR(M)-6]

D. K. HIMANSHU, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL**

Present: Shri ANANDA KUMAR MUKHERJEE, Presiding Officer
C.G.I.T-cum-L.C., Asansol.

APPLICATION No. 02 OF 2014**PARTIES :** Jang Bahadur Singh.**Vs.**

Pradip Kr. Biswas, Proprietor, M/s. A.P.P. Enterprise, Ranitala (south) [OP-1].

Deputy General Manager (I/C), SAIL Growth Works, Kulti [OP-2].

REPRESENTATIVES:

For the Union/Workman: Mr. B. Choudhury, learned advocate.

For the Management: Mr. Asok Kumar Char, learned advocate [OP-1].

Mr. Nirmalendu Ganguly, learned advocate [OP-2].

INDUSTRY: Steel.**STATE:** West Bengal.**Dated:** 28.12.2022**AWARD**

1. This Application under sub-section 2 and 3 of section 2A of the Industrial Dispute Act, 1947 has been filed by the petitioner against M/s. A.P.P. Enterprise, Ranitala (south), Kulti (Opposite Party No. 1), a Contract Farm which engaged him at work for the Principal Employer, the General Manager, SAIL Growth Works, Kulti, Dist: Burdwan, herein described as Opposite Party No. 2.

2. A brief profile of the petitioner's case is that Opposite Party No. 1 was engaged by the Opposite Party No. 2 for performing some contract work at Electrical Department of SAIL Growth Works, Kulti from

07.11.2007. Job related to Operation and Maintenance of Electrical System was assigned to the contractor farm at the sub-station and SAIL Township, Kulti.

3. After expiry of the contract with M/s. A.P.P. Enterprise, another contractor, M/s. M. S. Industries, New Road, Neamatpur was awarded with the same job. The petitioner and his colleagues were engaged by M/s. M.S. Industries for carrying out the contract job. Subsequently, M/s. A.P.P. Enterprise was again engaged with the same work and a Work Order dated 24.06.2010 was issued. The petitioner worked for the Principal Employer since 2007 continuously up to July, 2010. On 01.04.2010 the Contract Farm arbitrarily stopped the petitioner from recording his attendance. The petitioner had worked for the Principal Employer i.e. SAIL Growth Works, Kulti from 07.11.2007 for a period of six years four months and twenty-four days. He was thereafter terminated from service without serving any notice. Provident Fund and Employees' State Insurance contribution were regularly deducted from the wages of the petitioner workman but he was terminated as he made certain queries regarding such deductions which displeased the contractor.

4. Initially the petitioner raised a dispute before the Deputy Chief Labour Commissioner (Central), Asansol and the Conciliation Officer took up the matter on 18.07.2014, 20.08.2014, 11.09.2014, 20.10.2014, and 07.11.2014 but the dispute could not be settled. A certificate was issued by the Regional Labour Commissioner (Central), Asansol dated 07.11.2014. The petitioner then filed this application under sub-section 2 and 3 of section 2A of the Industrial Dispute Act, 1947 before this Tribunal along with the Certificate from the Conciliation Officer, Asansol. It is contended that the discharge of the petitioner amounts to his dismissal and contrary to the Standing Order. The petitioner has challenged the act of his Employer and prayed for his reinstatement along with back wages from April, 2014 till the date of reinstatement.

5. The case was registered as Application No. 02 of 2014. Notice was issued to the Opposite Party No. 1 and 2 under registered post.

6. Opposite Party No. 1 and 2 have filed separate written statements against the Application. Opposite Party No. 1 contended that the contract job was awarded to the Contract Farm by SAIL Growth Works, Kulti was terminated and the job was awarded to the new Contract Farm, M/s. M. S. Industries, New Road, Neamatpur. It is further contended that M/s. M. S. Industries, New Road, Neamatpur is required to be impleaded as a party to the case by deleting the name of Opposite Party No. 1, who is unnecessarily impleaded as a party.

7. Opposite Party No. 2 in their written statement stated that they have nothing to do in this matter and has been unnecessarily impleaded party. It is contended that the Application is liable to be dismissed.

8. Jang Bahadur Singh, the petitioner filed an Affidavit-in-chief wherein he reiterated the facts stated in his application. The witness was cross-examined on behalf of the Opposite Party No. 2. In his cross-examination he admitted that he had no document to show that he was appointed to work under SAIL Growth Works, Kulti. He also stated that he used to get his salary through Bank which was deposited by the Contractor and the Contractor dismissed him from service.

9. On 16.12.2022 the case was fixed up as a special chance for evidence of opposite party and disposal. On 16.12.2022 none appeared for the Opposite Party No. 1 and 2. Mr. B. Choudhury, learned advocate who appeared for the petitioner submitted that he had no instruction from the applicant. The matter is pending since long. I have carefully considered the evidence on record and is of the view that the petitioner is miserably failed to establish any Employer-Employee relationship with Opposite Party No. 2. Therefore, he is not entitled to any relief against Opposite Party No. 2 i.e. Deputy General Manager, SAIL Growth Works, Kulti. The Application under sub-section 2 and 3 of section 2A of the Industrial Dispute Act, 1947 is therefore dismissed.

Hence,

ORDERED

The Application under sub-section 2 and 3 of section 2A of the Industrial Dispute Act, 1947 is dismissed in respect of Opposite Party No. 2. The applicant is not entitled to any relief for any re-employment and back wages claimed by him. An Award be drawn up in light of the above decision. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 10 फरवरी, 2023

का.आ. 174.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिंदुस्तान पेट्रोलियम कारपोरेशन लिमिटेड के कारखानों और स्थापनाओं के नियमित कर्मचारियों को उक्त अधिनियम के प्रवर्तन से छूट प्रदान करती है। यह छूट तारीख 15 फरवरी, 2023 से ही एक वर्ष की अवधि के लिए प्रभावी रहेगी।

2. उक्त छूट निम्नलिखित शर्तों के अधीन है; अर्थात्:-

(1) कारखाना और स्थापना छूट प्राप्त कर्मचारियों के नाम और पदनाम विनिर्दिष्ट करते हुए, कर्मचारियों का एक रजिस्टर रखेगी;

(2) कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व संदत्त अंशदानों के आधार पर हकदार हो जाते हैं;

(3) छूट प्राप्त अवधि के लिए, यदि कोई अभिदाय पहले ही किए जा चुके हों, तो वे वापस नहीं किए जाएंगे;

(4) उक्त कारखाने और स्थापना का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम (जिसे इसमें इसके पश्चात् उक्त अवधि कहा गया है) प्रवर्तन के अध्वधीन था ऐसी विवरणियां, ऐसे प्रारूप में और ऐसी विशिष्टियों से युक्त होगी जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी अपेक्षित होती थीं;

(5) निगम द्वारा उक्त अधिनियम की धारा 45 की उप धारा (1) के अधीन नियुक्त किया गया कोई सामाजिक सुरक्षा अधिकारी या निगम का इस प्रयोजन के लिए इस निमित्त प्राधिकृत कोई अन्य पदधारी—

(i) उक्त अधिनियम की धारा 44 की उप धारा (1) के अधीन, उक्त अवधि के लिए प्रस्तुत किसी विवरणी में अंतर्विष्ट विशिष्टियों को सत्यापित करने; या

(ii) यह अभिनिश्चयन के लिए कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथाअपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं; या

(iii) यह अभिनिश्चयन के लिए कि कर्मचारी, नियोजक द्वारा दिये गए उन प्रसुविधाओं को, जिसके फलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार है या नहीं; या

(iv) यह अभिनिश्चयन के लिए कि उस अवधि के दौरान, जब उक्त कारखाने और स्थापन के संबंध में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं, निम्नलिखित कार्य करने के लिए सशक्त होगा—

(क) प्रधान या आसन्न नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे इस अधिनियम के प्रयोजन के लिए आवश्यक समझता है; या

(ख) ऐसे प्रधान या आसन्न नियोजक के अधिभोगाधीन, किसी कारखाने, स्थापना, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह कार्मिक के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें या ऐसी जानकारी दें जिसे वे आवश्यक समझते हैं; या

(ग) प्रधान या आसन्न नियोजक की, उसके अभिकर्ता या सेवक की, या ऐसे किसी व्यक्ति को, जो ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में पाया जाए, यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या

(घ) ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा, बही या अन्य दस्तावेज की नकल तैयार करना या उद्धरण लेना; या

(ङ) यथास्थिति अन्य शक्तियों का प्रयोग करना जो विनिर्दिष्ट दिए जाएँ।

6. विनिवेश या निगमीकरण के मामले में, प्रदत्त छूट स्वतः रद्द हो जाएगी और तब नए प्रतिष्ठान को छूट के लिए समुचित सरकार को आवेदन करना होगा।

[सं. एस-38014/09/2020-एस.एस-1)

बी.के.बिस्वास, अवर सचिव

New Delhi, the 10th February, 2023

S.O. 174.—In exercise of the powers conferred by section 88 read with section 91 A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of factories and establishments of **Hindustan Petroleum Corporation Limited** from the operation of the said Act. The exemption shall be effective for a period of one year on and from the 15th day of February, 2023.

2. The exemption is subject to the following conditions namely:-

- (1) the factories and establishments shall maintain a register of the employees specifying the names and designations of the exempted employees;
- (2) the employees shall continue to receive such benefits under the said Act to which they would have been entitled to on the basis of the contribution paid prior to the date from which exemption granted by this notification operates;
- (3) the contribution for the exempted period, if already paid, shall not be refundable;
- (4) the employer of the said factory and establishment shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred as the said period), such returns in such forms and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) a Social Security Officer appointed by the Corporation under sub-section (1) of section 45 of the said Act or other official of the Corporation authorised in this behalf by it, shall, for the purpose of —
 - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 of the said Act for the said period; or
 - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
 - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory and establishment to be empowered to —
 - (a) require the principal or immediate employer to him such information as he may consider necessary for the purpose of this Act; or
 - (b) at any reasonable time enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or
 - (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee ; or
 - (d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises; or
 - (e) exercise such other powers as may be specified.

(6) in case of disinvestment or corporatisation, the exemption granted shall stand cancelled and the new entity may apply to the appropriate Government for exemption.

[No. S-38014/09/2020-SS-I]

B. K. BISWAS, Under Secy.

नई दिल्ली, 10 फरवरी, 2023

का.आ. 175.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नियंत्रक, गुणवत्ता आश्वासन नियंत्रक (सामान्य भंडार) कानपुर-(उ.प्र.)के प्रबंधन के संबंध में नियोजकों और श्री सुजीत कुमार सिंह, महासचिव, रक्षा कर्मचारी संघ, कोयला नगर, कानपुर (यूपी), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ सं.05 of 2022) को जैसा कि अनुलग्नक में दिखाया गया है, को प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2023 को प्राप्त हुआ था।

[सं. एल-42011/164/2021- आईआर(डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 10th February, 2023

S.O. 175.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 05 of 2022) of the Central Government Industrial Tribunal cum Labour Court –Kanpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Controller, Controllerate of Quality Assurance (General Stores) Kanpur-(U.P) and Shri Sujit Kumar Singh, General Secretary, Defence Workers Union, Koyala Nagar, Kanpur (U.P), which was received along with soft copy of the award by the Central Government on 08.02.2023.

[No. L-42011/164/2021-IR(DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

BEFORE SHRI SOMA SHEKHAR JENA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT KANPUR

Present: SOMA SHEKHAR JENA, HJS (Retd.)

I.D. No. 05 of 2022

L-42011/164/2021-IR(DU) dated 14.12.2021

BETWEEN

Sh. Sujit Kumar Singh, General Secretary,
Defence Workers Union, H.No. 2/2, MIG,
Swarn Jayanti Vihar, Koyala Nagar,
Kanpur (U.P)-208011

AND

The Controller,
Controllerate of Quality Assurance (General Stores)
Ashok path, Kanpur(U.P)-208004

AWARD

This award arises in respect of the reference mentioned in the schedule stated below as received from the Government of India, Ministry of Labour in letter No. L-42011/164/2021-IR(DU) dated 14.12.2021

SCHEDULE

1. “Whether action of the management of Controllerate of Quality Assurance (General Stores), Kanpur in transferring Sh. Sujit Kumar Singh, UDC and General Secretary of Defence Workers Union, Kanpur from G.S.-20 (Establishment) Section to G.S.-

14(I.T.S) Section vide order dated 28.05.2021 is legal and justified? If not, to what relief Sh. Sujit Kumar Singh, UDC is entitled to? What directions, if any, are necessary in this regard?"

On receipt of notification, notices were issued to both the parties on 11th January 2022 fixing 09.03.2022 for filing of statement of claim. Authorized Representative of the claimant workman filed statement of claim on due date. On 05.08.2022 O.P management filed the written statement and case is fixed for filing of rejoinder by the claimant workman. On perusal of the record an application was found filed on 22.12.2022 on behalf of the claimant workman stating that both the parties had reached a mutual agreement. It is further stated that since a conciliation has been arrived at in the matter of dispute between the parties after mutual understanding and hence in reality no dispute survives for taking any action in the case further and presenting any evidence related to the dispute of the case. It is prayed on behalf of the claimant workman to decide the case expeditiously as the dispute has already been resolved between the parties. On 22.12.2022 the case was reserved for final award for non-appearance of the claimant workman.

From the aforesaid circumstances it is crystal clear that the claimant workman is not interested in prosecuting the case further before this Tribunal.

Hence in the given circumstances the reference stands disposed of as of 'NIL' award.

Date: 19.01.2023

SOMA SHEKHAR JENA, Presiding Officer